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THE MAKERS OF CANADA

VOL. XVI

LORD ELGIN

Elgin & Kincardine

THE MAKERS OF CANADA

LORD ELGIN

BY

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EDITORS' NOTE

THE late Sir John Bourinot had completed and revised the following pages some months before his lamented death. The book represents more satisfactorily, perhaps, than anything else that he has written the author's breadth of political vision and his concrete mastery of historical fact. The life of Lord Elgin required to be written by one possessed of more than ordinary insight into the interesting aspects of constitutional law. That it has been singularly well presented must be the conclusion of all who may read this present narrative.

CONTENTS

CHAPTER I Page

EARLY CAREER 1

CHAPTER II

POLITICAL CONDITION IN CANADA . . 17

CHAPTER III

POLITICAL DIFFICULTIES 41

CHAPTER IV

THE INDEMNIFICATION ACT 61

CHAPTER V

THE END OF THE LAFONTAINE-BALDWIN MINISTRY, 1851 85

CHAPTER VI

THE HINCKS-MORIN MINISTRY . . . 107

CHAPTER VII

THE HISTORY OF THE CLERGY RESERVES (1791-1854) 143

CONTENTS

CHAPTER VIII — Page

SEIGNIORIAL TENURE 171

CHAPTER IX

CANADA AND THE UNITED STATES . . 189

CHAPTER X

FAREWELL TO CANADA 203

CHAPTER XI

POLITICAL PROGRESS 227

CHAPTER XII

A COMPARISON OF SYSTEMS . . . 239

BIBLIOGRAPHICAL NOTE 269

INDEX 271

CHAPTER I

EARLY CAREER

THE Canadian people have had a varied experience in governors appointed by the imperial state. At the very commencement of British rule they were so fortunate as to find at the head of affairs Sir Guy Carleton—afterwards Lord Dorchester—who saved the country during the American revolution by his military genius, and also proved himself an able civil governor in his relations with the French Canadians, then called "the new subjects," whom he treated in a fair and generous spirit that did much to make them friendly to British institutions. On the other hand they have had military men like Sir James Craig, hospitable, generous, and kind, but at the same time incapable of understanding colonial conditions and aspirations, ignorant of the principles and working of representative institutions, and too ready to apply arbitrary methods to the administration of civil affairs. Then they have had men who were suddenly drawn from some inconspicuous position in the parent state, like Sir Francis Bond Head, and allowed by an apathetic or ignorant colonial office to prove their want of discretion, tact, and even common sense at a very critical stage of Canadian

affairs. Again there have been governors of the highest rank in the peerage of England, like the Duke of Richmond, whose administration was chiefly remarkable for his success in aggravating national animosities in French Canada, and whose name would now be quite forgotten were it not for the unhappy circumstances of his death.[1] Then Canadians have had the good fortune of the presence of Lord Durham at a time when a most serious state of affairs imperatively demanded that ripe political knowledge, that cool judgment, and that capacity to comprehend political grievances which were confessedly the characteristics of this eminent British statesman. Happily for Canada he was followed by a keen politician and an astute economist who, despite his overweening vanity and his tendency to underrate the ability of "those fellows in the colonies"—his own words in a letter to England—was well able to gauge public sentiment accurately and to govern himself accordingly during his short term of office. Since the confederation of the provinces there has been a succession of distinguished governors, some bearing names famous in the history of Great Britain and Ireland, some bringing to the discharge of their duties a large knowledge of public business gained in the government of the parent state and her wide empire, some gifted with a happy faculty of expressing

[1] He was bitten by a tame fox and died of hydrophobia at Richmond, in the present county of Carleton, Ontario.

themselves with ease and elegance, and all equally influenced by an earnest desire to fill their important position with dignity, impartiality, and affability.

But eminent as have been the services of many of the governors whose memories are still cherished by the people of Canada, no one among them stands on a higher plane than James, eighth earl of Elgin and twelfth earl of Kincardine, whose public career in Canada I propose to recall in the following narrative. He possessed to a remarkable degree those qualities of mind and heart which enabled him to cope most successfully with the racial and political difficulties which met him at the outset of his administration, during a very critical period of Canadian history. Animated by the loftiest motives, imbued with a deep sense of the responsibilities of his office, gifted with a rare power of eloquent expression, possessed of sound judgment and infinite discretion, never yielding to dictates of passion but always determined to be patient and calm at moments of violent public excitement, conscious of the advantages of compromise and conciliation in a country peopled like Canada, entering fully into the aspirations of a young people for self-government, ready to concede to French Canadians their full share in the public councils, anxious to build up a Canadian nation without reference to creed or race—this distinguished nobleman must be always placed by a

Canadian historian in the very front rank of the great administrators happily chosen from time to time by the imperial state for the government of her dominions beyond the sea. No governor-general, it is safe to say, has come nearer to that ideal, described by Sir Edward Bulwer Lytton, when secretary of state for the colonies, in a letter to Sir George Bowen, himself distinguished for the ability with which he presided over the affairs of several colonial dependencies. "Remember," said Lord Lytton, to give that eminent author and statesman his later title, "that the first care of a governor in a free colony is to shun the reproach of being a party man. Give all parties, and all the ministries formed, the fairest play. . . . . After all, men are governed as much by the heart as by the head. Evident sympathy in the progress of the colony; traits of kindness, generosity, devoted energy, where required for the public weal; a pure exercise of patronage; an utter absence of vindictiveness or spite; the fairness that belongs to magnanimity: these are the qualities that make governors powerful, while men merely sharp and clever may be weak and detested."

In the following chapters it will be seen that Lord Elgin fulfilled this ideal, and was able to leave the country in the full confidence that he had won the respect, admiration, and even affection of all classes of the Canadian people. He came to the country when there existed on all sides doubts

as to the satisfactory working of the union of 1840, suspicions as to the sincerity of the imperial authorities with respect to the concession of responsible government, a growing antagonism between the two nationalities which then, as always, divided the province. A very serious economic disturbance was crippling the whole trade of the country, and made some persons—happily very few in number—believe for a short time that independence, or annexation to the neighbouring republic, was preferable to continued connection with a country which so grudgingly conceded political rights to the colony, and so ruthlessly overturned the commercial system on which the province had been so long dependent. When he left Canada, Lord Elgin knew beyond a shadow of a doubt that the two nationalities were working harmoniously for the common advantage of the province, that the principles of responsible government were firmly established, and that the commercial and industrial progress of the country was fully on an equality with its political development.

The man who achieved these magnificent results could claim an ancestry to which a Scotsman would point with national pride. He could trace his lineage to the ancient Norman house of which "Robert the Bruce"—a name ever dear to the Scottish nation—was the most distinguished member. He was born in London on July 20th, 1811. His father was a general in the British army,

a representative peer in the British parliament from 1790-1840, and an ambassador to several European courts; but he is best known to history by the fact that he seriously crippled his private fortunes by his purchase, while in the East, of that magnificent collection of Athenian art which was afterwards bought at half its value by the British government and placed in the British Museum, where it is still known as the "Elgin Marbles." From his father, we are told by his biographer,[1] he inherited "the genial and playful spirit which gave such a charm to his social and parental relations, and which helped him to elicit from others the knowledge of which he made so much use in the many diverse situations of his after life." The deep piety and the varied culture of his mother "made her admirably qualified to be the depository of the ardent thoughts and aspirations of his boyhood." At Oxford, where he completed his education after leaving Eton, he showed that unselfish spirit and consideration for the feelings of others which were the recognized traits of his character in after life. Conscious of the unsatisfactory state of the family's fortunes, he laboured strenuously even in college to relieve his father as much as possible of the expenses of his education. While living very much to himself, he never failed to

[1] "Letters and Journals of James, eighth Earl of Elgin, etc." Edited by Theodore Walrond, C.B. For fuller references to works consulted in the writing of this short history, see *Bibliographical Note* at the end of this book.

win the confidence and respect even at this youthful age of all those who had an opportunity of knowing his independence of thought and judgment. Among his contemporaries were Mr. Gladstone, afterwards prime minister; the Duke of Newcastle, who became secretary of state for the colonies and was chief adviser of the Prince of Wales—now Edward VII—during his visit to Canada in 1860; and Lord Dalhousie and Lord Canning, both of whom preceded him in the governor-generalship of India. In the college debating club he won at once a very distinguished place. "I well remember," wrote Mr. Gladstone, many years later, "placing him as to the natural gift of eloquence at the head of all those I knew either at Eton or at the University." He took a deep interest in the study of philosophy. In him —to quote the opinion of his own brother, Sir Frederick Bruce, "the Reason and Understanding, to use the distinctions of Coleridge, were both largely developed, and both admirably balanced. . . . . He set himself to work to form in his own mind a clear idea of each of the constituent parts of the problem with which he had to deal. This he effected partly by reading, but still more by conversation with special men, and by that extraordinary logical power of mind and penetration which not only enabled him to get out of every man all he had in him, but which revealed to these men themselves a knowledge of their own imperfect and crude conceptions, and made them constantly

unwilling witnesses or reluctant adherents to views which originally they were prepared to oppose. . . ." The result was that, "in an incredibly short time he attained an accurate and clear conception of the essential facts before him, and was thus enabled to strike out a course which he could consistently pursue amid all difficulties, because it was in harmony with the actual facts and the permanent conditions of the problem he had to solve." Here we have the secret of his success in grappling with the serious and complicated questions which constantly engaged his attention in the administration of Canadian affairs.

After leaving the university with honour, he passed several years on the family estate, which he endeavoured to relieve as far as possible from the financial embarrassment into which it had fallen ever since his father's extravagant purchase in Greece. In 1840, by the death of his eldest brother, George, who died unmarried, James became heir to the earldom, and soon afterwards entered parliament as member for the borough of Southampton. He claimed then, as always, to be a Liberal-Conservative, because he believed that "the institutions of our country, religious as well as civil, are wisely adapted, when duly and faithfully administered, to promote, not the interest of any class or classes exclusively, but the happiness and welfare of the great body of the people"; and because he felt that, "on the maintenance of these institutions, not

only the economical prosperity of England, but, what is yet more important, the virtues that distinguish and adorn the English character, under God, mainly depend."

During the two years Lord Elgin remained in the House of Commons he gave evidence to satisfy his friends that he possessed to an eminent degree the qualities which promised him a brilliant career in British politics. Happily for the administration of the affairs of Britain's colonial empire, he was induced by Lord Stanley, then secretary of state for the colonies, to surrender his prospects in parliament and accept the governorship of Jamaica. No doubt he was largely influenced to take this position by the conviction that he would be able to relieve his father's property from the pressure necessarily entailed upon it while he remained in the expensive field of national politics. On his way to Jamaica he was shipwrecked, and his wife, a daughter of Mr. Charles Cumming Bruce, M.P., of Dunphail, Stirling, suffered a shock which so seriously impaired her health that she died a few months after her arrival in the island when she had given birth to a daughter.[1] His administration of the government of Jamaica was distinguished by a strong desire to act discreetly and justly at a time

[1] Lady Elma, who married, in 1864, Thomas John Howell-Thurlow-Cumming Bruce, who was attached to the staff of Lord Elgin in his later career in China and India, etc., and became Baron Thurlow on the death of his brother in 1874. See "Debrett's Peerage."

when the economic conditions of the island were still seriously disturbed by the emancipation of the negroes. Planter and black alike found in him a true friend and sympathizer. He recognized the necessity of improving the methods of agriculture, and did much by the establishment of agricultural societies to spread knowledge among the ignorant blacks, as well as to create a spirit of emulation among the landlords, who were still sullen and apathetic, requiring much persuasion to adapt themselves to the new order of things, and make efforts to stimulate skilled labour among the coloured population whom they still despised. Then, as always in his career, he was animated by the noble impulse to administer public affairs with a sole regard to the public interests, irrespective of class or creed, to elevate men to a higher conception of their public duties. "To reconcile the planter"—I quote from one of his letters to Lord Stanley—"to the heavy burdens which he was called to bear for the improvement of our establishments and the benefit of the mass of the population, it was necessary to persuade him that he had an interest in raising the standard of education and morals among the peasantry; and this belief could be imparted only by inspiring a taste for a more artificial system of husbandry." "By the silent operation of such salutary convictions," he added, "prejudices of old standing are removed; the friends of the negro and of the proprietary classes find themselves almost

unconsciously acting in concert, and conspiring to complete that great and holy work of which the emancipation of the slave was but the commencement."

At this time the relations between the island and the home governments were always in a very strained condition on account of the difficulty of making the colonial office fully sensible of the financial embarrassment caused by the upheaval of the labour and social systems, and of the wisest methods of assisting the colony in its straits. As it too often happened in those old times of colonial rule, the home government could with difficulty be brought to understand that the economic principles which might satisfy the state of affairs in Great Britain could not be hastily and arbitrarily applied to a country suffering under peculiar difficulties. The same unintelligent spirit which forced taxation on the thirteen colonies, which complicated difficulties in the Canadas before the rebellion of 1837, seemed for the moment likely to prevail, as soon as the legislature of Jamaica passed a tariff framed naturally with regard to conditions existing when the receipts and expenditures could not be equalized, and the financial situation could not be relieved from its extreme tension in any other way than by the imposition of duties which happened to be in antagonism with the principles then favoured by the imperial government. At this critical juncture Lord Elgin successfully interposed

between the colonial office and the island legislature, and obtained permission for the latter to manage this affair in its own way. He recognized the fact, obvious enough to any one conversant with the affairs of the island, that the tariff in question was absolutely necessary to relieve it from financial ruin, and that any strenuous interference with the right of the assembly to control its own taxes and expenses would only tend to create complications in the government and the relations with the parent state. He was convinced, as he wrote to the colonial office, that an indispensable condition of his usefulness as a governor was "a just appreciation of the difficulties with which the legislature of the island had yet to contend, and of the sacrifices and exertions already made under the pressure of no ordinary embarrassments."

Here we see Lord Elgin, at the very commencement of his career as a colonial governor, fully alive to the economic, social, and political conditions of the country, and anxious to give its people every legitimate opportunity to carry out those measures which they believed, with a full knowledge and experience of their own affairs, were best calculated to promote their own interests. We shall see later that it was in exactly the same spirit that he administered Canadian questions of much more serious import.

Though his government in Jamaica was in every sense a success, he decided not to remain any

longer than three years, and so wrote in 1845 to Lord Stanley. Despite his earnest efforts to identify himself with the island's interests, he had led on the whole a retired and sad life after the death of his wife. He naturally felt a desire to seek the congenial and sympathetic society of friends across the sea, and perhaps return to the active public life for which he was in so many respects well qualified. In offering his resignation to the colonial secretary he was able to say that the period of his administration had been "one of considerable social progress"; that "uninterrupted harmony" had "prevailed between the colonists and the local government"; that "the spirit of enterprise" which had proceeded from Jamaica for two years had "enabled the British West Indian colonies to endure with comparative fortitude, apprehensions and difficulties which otherwise might have depressed them beyond measure."

It was not, however, until the spring of 1846 that Lord Elgin was able to return on leave of absence to England, where the seals of office were now held by a Liberal administration, in which Lord Grey was colonial secretary. Although his political opinions differed from those of the party in power, he was offered the governor-generalship of Canada when he declined to go back to Jamaica. No doubt at this juncture the British ministry recognized the absolute necessity that existed for removing all political grievances that arose from the tardy concession of responsible

government since the death of Lord Sydenham, and for allaying as far as possible the discontent that generally prevailed against the new fiscal policy of the parent state, which had so seriously paralyzed Canadian industries. It was a happy day for Canada when Lord Elgin accepted this gracious offer of his political opponents, who undoubtedly recognized in him the possession of qualities which would enable him successfully, in all probability, to grapple with the perplexing problems which embarrassed public affairs in the province. He felt (to quote his own language at a public dinner given to him just before his departure for Canada) that he undertook no slight responsibilities when he promised "to watch over the interests of those great offshoots of the British race which plant themselves in distant lands, to aid them in their efforts to extend the domain of civilization, and to fulfil the first behest of a benevolent Creator to His intelligent creatures—'subdue the earth'; to abet the generous endeavour to impart to these rising communities the full advantages of British laws, British institutions, and British freedom; to assist them in maintaining unimpaired—it may be in strengthening and confirming—those bonds of mutual affection which unite the parent and dependent states."

Before his departure for the scene of his labours in America, he married Lady Mary Louisa Lambton, daughter of the Earl of Durham, whose short career in Canada as governor-general and high

commissioner after the rebellion of 1837 had such a remarkable influence on the political conditions of the country. Whilst we cannot attach too much importance to the sage advice embodied in that great state paper on Canadian affairs which was the result of his mission to Canada, we cannot fail at the same time to see that the full vindication of the sound principles laid down in that admirable report is to be found in the complete success of their application by Lord Elgin. The minds of both these statesmen ran in the same direction. They desired to give adequate play to the legitimate aspirations of the Canadian people for that measure of self-government which must stimulate an independence of thought and action among colonial public men, and at the same time strengthen the ties between the parent state and the dependency by creating that harmony and confidence which otherwise could not exist in the relations between them. But while there is little doubt that Lord Elgin would under any circumstances have been animated by a deep desire to establish the principles of responsible government in Canada, this desire must have been more or less stimulated by the tender ties which bound him to the daughter of a statesman whose opinions where so entirely in harmony with his own. In Lord Elgin's temperament there was always a mingling of sentiment and reason, as may be seen by reference to his finest exhibitions of eloquence. We can well believe that a deep reverence for the

memory of a great man, too soon removed from the public life of Great Britain, combined with the natural desire to please his daughter when he wrote these words to her:—"I still adhere to my opinion that the real and effectual vindication of Lord Durham's memory and proceedings will be the success of a governor-general of Canada who works out his views of government fairly. Depend upon it, if this country is governed for a few years satisfactorily, Lord Durham's reputation as a statesman will be raised beyond the reach of cavil." Now, more than half a century after he penned these words and expressed this hope, we all perceive that Lord Elgin was the instrument to carry out this work.

Here it is necessary to close this very brief sketch of Lord Elgin's early career, that I may give an account of the political and economic conditions of the dependency at the end of January, 1847, when he arrived in the city of Montreal to assume the responsibilities of his office. This review will show the difficulties of the political situation with which he was called upon to cope, and will enable us to obtain an insight into the high qualifications which he brought to the conduct of public affairs in the Canadas.

CHAPTER II

POLITICAL CONDITION IN CANADA

TO understand clearly the political state of Canada at the time Lord Elgin was appointed governor-general, it is necessary to go back for a number of years. The unfortunate rebellions which were precipitated by Louis-Joseph Papineau and William Lyon Mackenzie during 1837 in the two Canadas were the results of racial and political difficulties which had gradually arisen since the organization of the two provinces of Upper and Lower Canada under the Constitutional Act of 1791. In the French section, the French and English Canadians—the latter always an insignificant minority as respects number—had in the course of time formed distinct parties. As in the courts of law and in the legislature, so it was in social and everyday life, the French Canadian was in direct antagonism to the English Canadian. Many members of the official and governing class, composed almost exclusively of English, were still too ready to consider French Canadians as inferior beings, and not entitled to the same rights and privileges in the government of the country. It was a time of passion and declamation, when men of fervent eloquence, like Papineau, might have

aroused the French as one man, and brought about a general rebellion had they not been ultimately thwarted by the efforts of the moderate leaders of public opinion, especially of the priests who, in all national crises in Canada, have happily intervened on the side of reason and moderation, and in the interests of British connection, which they have always felt to be favourable to the continuance and security of their religious institutions. Lord Durham, in his memorable report on the condition of Canada, has summed up very expressively the nature of the conflict in the French province. "I expected," he said, "to find a contest between a government and a people; I found two nations warring in the bosom of a single state; I found a struggle, not of principles, but of races."

While racial antagonisms intensified the difficulties in French Canada, there existed in all the provinces political conditions which arose from the imperfect nature of the constitutional system conceded by England in 1791, and which kept the country in a constant ferment. It was a mockery to tell British subjects conversant with British institutions, as Lieutenant-Governor Simcoe told the Upper Canadians in 1792, that their new system of government was "an image and transcript of the British constitution." While it gave to the people representative institutions, it left out the very principle which was necessary to make them work harmoniously—a government responsible to the

legislature, and to the people in the last resort, for the conduct of legislation and the administration of affairs. In consequence of the absence of this vital principle, the machinery of government became clogged, and political strife convulsed the country from one end to the other. An "irrepressible conflict" arose between the government and the governed classes, especially in Lower Canada. The people who in the days of the French régime were without influence and power, had gained under their new system, defective as it was in essential respects, an insight into the operation of representative government, as understood in England. They found they were governed, not by men responsible to the legislature and the people, but by governors and officials who controlled both the executive and legislative councils. If there had always been wise and patient governors at the head of affairs, or if the imperial authorities could always have been made aware of the importance of the grievances laid before them, or had understood their exact character, the differences between the government and the majority of the people's representatives might have been arranged satisfactorily. But, unhappily, military governors like Sir James Craig only aggravated the dangers of the situation, and gave demagogues new opportunities for exciting the people. The imperial authorities, as a rule, were sincerely desirous of meeting the wishes of the people in a reasonable and fair spirit, but unfortunately for

the country, they were too often ill-advised and ill-informed in those days of slow communication, and the fire of public discontent was allowed to smoulder until it burst forth in a dangerous form.

In all the provinces, but especially in Lower Canada, the people saw their representatives practically ignored by the governing body, their money expended without the authority of the legislature, and the country governed by irresponsible officials. A system which gave little or no weight to public opinion as represented in the House of Assembly, was necessarily imperfect and unstable, and the natural result was a deadlock between the legislative council, controlled by the official and governing class, and the House elected by the people. The governors necessarily took the side of the men whom they had themselves appointed, and with whom they were acting. In the maritime provinces in the course of time, the governors made an attempt now and then to conciliate the popular element by bringing in men who had influence in the assembly, but this was a matter entirely within their own discretion. The system of government as a whole was worked in direct contravention of the principle of responsibility to the majority in the popular House. Political agitators had abundant opportunities for exciting popular passion. In Lower Canada, Papineau, an eloquent but impulsive man, having rather the qualities of an agitator than those of a statesman, led the majority of his compatriots.

For years he contended for a legislative council elected by the people: and it is curious to note that none of the men who were at the head of the popular party in Lower Canada ever recognized the fact, as did their contemporaries in Upper Canada, that the difficulty would be best solved, not by electing an Upper House, but by obtaining an executive which would only hold office while supported by a majority of the representatives in the people's House. In Upper Canada the radical section of the Liberal party was led by Mr. William Lyon Mackenzie, who fought vigorously against what was generally known as the "Family Compact," which occupied all the public offices and controlled the government.

In the two provinces these two men at last precipitated a rebellion in which blood was shed and much property destroyed, but which never reached any very extensive proportions. In the maritime provinces, however, where the public grievances were of less magnitude, the people showed no sympathy whatever with the rebellious elements of the upper provinces.

Amid the gloom that overhung Canada in those times there was one gleam of sunshine for England. Although discontent and dissatisfaction prevailed among the people on account of the manner in which the government was administered, and of the attempts of the minority to engross all power and influence, there was still a sentiment in favour

of British connection, and the annexationists were relatively few in number. Even Sir Francis Bond Head—in no respect a man of sagacity—understood this well when he depended on the militia to crush the outbreak in the upper province; and Joseph Howe, the eminent leader of the popular party, uniformly asserted that the people of Nova Scotia were determined to preserve the integrity of the empire at all hazards. As a matter of fact, the majority of leading men, outside of the minority led by Papineau, Nelson and Mackenzie, had a conviction that England was animated by a desire to act considerately with the provinces and that little good would come from precipitating a conflict which could only add to the public misfortunes, and that the true remedy was to be found in constitutional methods of redress for the political grievances which undoubtedly existed throughout British North America.

The most important clauses of the Union Act, which was passed by the imperial parliament in 1840 but did not come into effect until February of the following year, made provision for a legislative assembly in which each section of the united provinces was represented by an equal number of members—forty-two for each and eighty-four for both; for the use of the English language alone in the written or printed proceedings of the legislature; for the placing of the public indebtedness of the two provinces at the union as a first

charge on the revenues of the united provinces; for a two-thirds vote of the members of each House before any change could be made in the representation. These enactments, excepting the last which proved eventually to be in their interest, were resented by the French Canadians as clearly intended to place them in a position of inferiority to the English Canadians. Indeed it was with natural indignation they read that portion of Lord Durham's report which expressed the opinion that it was necessary to unite the two races on terms which would give the domination to the English. "Without effecting the change so rapidly or so roughly," he wrote, "as to shock the feelings or to trample on the welfare of the existing generation, it must henceforth be the first and steady purpose of the British government to establish an English population, with English laws and language, in this province, and to trust its government to none but a decidedly English legislature."

French Canadians dwelt with emphasis on the fact that their province had a population of 630,000 souls, or 160,000 more than Upper Canada, and nevertheless received only the same number of representatives. French Canada had been quite free from the financial embarrassment which had brought Upper Canada to the verge of bankruptcy before the union; in fact the former had actually a considerable surplus when its old constitution was revoked on the outbreak of the rebellion. It was,

consequently, with some reason, considered an act of injustice to make the people of French Canada pay the debts of a province whose revenue had not for years met its liabilities. Then, to add to these decided grievances, there was a proscription of the French language, which was naturally resented as a flagrant insult to the race which first settled the valley of the St. Lawrence, and as the first blow levelled against the special institutions so dear to French Canadians and guaranteed by the Treaty of Paris and the Quebec Act. Mr. LaFontaine, whose name will frequently occur in the following chapters of this book, declared, when he presented himself at the first election under the Union Act, that "it was an act of injustice and despotism"; but, as we shall soon see, he became a prime minister under the very act he first condemned. Like the majority of his compatriots, he eventually found in its provisions protection for the rights of the people, and became perfectly satisfied with a system of government which enabled them to obtain their proper position in the public councils and restore their language to its legitimate place in the legislature.

But without the complete grant of responsible government it would never have been possible to give to French Canadians their legitimate influence in the administration and legislation of the country, or to reconcile the differences which had grown up between the two nationalities before the union and

seemed likely to be perpetuated by the conditions of the Union Act just stated. Lord Durham touched the weakest spot in the old constitutional system of the Canadian provinces when he said that it was not "possible to secure harmony in any other way than by administering the government on those principles which have been found perfectly efficacious in Great Britain." He would not "impair a single prerogative of the crown"; on the contrary he believed "that the interests of the people of these provinces require the protection of prerogatives which have not hitherto been exercised." But he recognized the fact as a constitutional statesman that "the crown must, on the other hand, submit to the necessary consequences of representative institutions; and if it has to carry on the government in unison with a representative body, it must consent to carry it on by means of those in whom that representative body has confidence." He found it impossible "to understand how any English statesman could have ever imagined that representative and irresponsible government could be successfully combined." To suppose that such a system would work well there "implied a belief that French Canadians have enjoyed representative institutions for half a century without acquiring any of the characteristics of a free people; that Englishmen renounce every political opinion and feeling when they enter a colony, or that the spirit of Anglo-Saxon freedom is utterly changed

and weakened among those who are transplanted across the Atlantic."

No one who studies carefully the history of responsible government from the appearance of Lord Durham's report and Lord John Russell's despatches of 1839 until the coming of Lord Elgin to Canada in 1847, can fail to see that there was always a doubt in the minds of the imperial authorities—a doubt more than once actually expressed in the instructions to the governors—whether it was possible to work the new system on the basis of a governor directly responsible to the parent state and at the same time acting under the advice of ministers directly responsible to the colonial parliament. Lord John Russell had been compelled to recognize the fact that it was not possible to govern Canada by the old methods of administration—that it was necessary to adopt a new colonial policy which would give a larger measure of political freedom to the people and ensure greater harmony between the executive government and the popular assemblies. Mr. Poulett Thomson, afterwards Lord Sydenham, was appointed governor-general with the definite objects of completing the union of the Canadas and inaugurating a more liberal system of colonial administration. As he informed the legislature of Upper Canada immediately after his arrival, in his anxiety to obtain its consent to the union, he had received "Her Majesty's commands to administer the government of

these provinces in accordance with the well understood wishes and interests of the people." When the legislature of the united provinces met for the first time, he communicated two despatches in which the colonial secretary stated emphatically that, "Her Majesty had no desire to maintain any system or policy among her North American subjects which opinion condemns," and that there was "no surer way of gaining the approbation of the Queen than by maintaining the harmony of the executive with the legislative authorities." The governor-general was instructed, in order "to maintain the utmost possible harmony," to call to his councils and to employ in the public service "those persons who, by their position and character, have obtained the general confidence and esteem of the inhabitants of the province." He wished it to be generally made known by the governor-general that thereafter certain heads of departments would be called upon "to retire from the public service as often as any sufficient motives of public policy might suggest the expediency of that measure." It appears, however, that there was always a reservation in the minds of the colonial secretary and of governors who preceded Lord Elgin as to the meaning of responsible government and the methods of carrying it out in a colony dependent on the Crown. Lord Sydenham himself believed that the council should be one "for the governor to consult and no more"; that the governor could "not be responsible

to the government at home and also to the legislature of the province," for if it were so "then all colonial government becomes impossible." The governor, in his opinion, "must therefore be the minister [*i.e.*, the colonial secretary], in which case he cannot be under control of men in the colony." But it was soon made clear to so astute a politician as Lord Sydenham that, whatever were his own views as to the meaning that should be attached to responsible government, he must yield as far as possible to the strong sentiment which prevailed in the country in favour of making the ministry dependent on the legislature for its continuance in office. The resolutions passed by the legislature in support of responsible government were understood to have his approval. They differed very little in words—in essential principle not at all—from those first introduced by Mr. Baldwin. The inference to be drawn from the political situation of that time is that the governor's friends in the council thought it advisable to gain all possible credit with the public in connection with the all-absorbing question of the day, and accordingly brought in the following resolutions in amendment to those presented by the Liberal chief:—

"1. That the head of the executive government of the province, being within the limits of his government the representative of the sovereign, is responsible to the imperial authority alone, but that nevertheless the management of our local affairs

can only be conducted by him with the assistance, counsel, and information of subordinate officers in the province.

"2. That in order to preserve between the different branches of the provincial parliament that harmony which is essential to the peace, welfare, and good government of the province, the chief advisers of the representative of the sovereign, constituting a provincial administration under him, ought to be men possessed of the confidence of the representatives of the people; thus affording a guarantee that the well-understood wishes and interests of the people—which our gracious sovereign has declared shall be the rule of the provincial government—will on all occasions be faithfully represented and advocated.

"3. That the people of this province have, moreover, the right to expect from such provincial administration the exercise of their best endeavours that the imperial authority, within its constitutional limits, shall be exercised in the manner most consistent with their well-understood wishes and interests."

It is quite possible that had Lord Sydenham lived to complete his term of office, the serious difficulties that afterwards arose in the practice of responsible government would not have occurred. Gifted with a clear insight into political conditions and a thorough knowledge of the working of representative institutions, he would have understood that if parliamentary government was ever to

be introduced into the colony it must be not in a half-hearted way, or with such reservations as he had had in his mind when he first came to the province. Amid the regret of all parties he died from the effects of a fall from his horse a few months after the inauguration of the union, and was succeeded by Sir Charles Bagot, who distinguished himself in a short administration of two years by the conciliatory spirit which he showed to the French Canadians, even at the risk of offending the ultra loyalists who seemed to think, for some years after the union, that they alone were entitled to govern the dependency.

The first ministry after that change was composed of Conservatives and moderate Liberals, but it was soon entirely controlled by the former, and never had the confidence of Mr. Baldwin. That eminent statesman had been a member of this administration at the time of the union, but he resigned on the ground that it ought to be reconstructed if it was to represent the true sentiment of the country at large. When Sir Charles Bagot became governor the Conservatives were very sanguine that they would soon obtain exclusive control of the government, as he was known to be a supporter of the Conservative party in England. It was not long, however, before it was evident that his administration would be conducted, not in the interests of any set of politicians, but on principles of compromise and justice to all political

parties, and, above all, with the hope of conciliating the French Canadians and bringing them into harmony with the new conditions. One of his first acts was the appointment of an eminent French Canadian, M. Vallières de Saint-Réal, to the chief-justiceship of Montreal. Other appointments of able French Canadians to prominent public positions evoked the ire of the Tories, then led by the Sherwoods and Sir Allan MacNab, who had taken a conspicuous part in putting down the rebellion of 1837-8. Sir Charles Bagot, however, persevered in his policy of attempting to stifle racial prejudices and to work out the principles of responsible government on broad national lines. He appointed an able Liberal and master of finance, Mr. Francis Hincks, to the position of inspector-general with a seat in the cabinet. The influence of the French Canadians in parliament was now steadily increasing, and even strong Conservatives like Mr. Draper were forced to acknowledge that it was not possible to govern the province on the principle that they were an inferior and subject people, whose representatives could not be safely entrusted with any responsibilities as ministers of the Crown. Negotiations for the entrance of prominent French Canadians in opposition to the government went on without result for some time, but they were at last successful, and the first LaFontaine-Baldwin cabinet came into existence in 1842, largely through the instrumentality of Sir Charles Bagot. Mr. Baldwin was a

statesman whose greatest desire was the success of responsible government without a single reservation. Mr. LaFontaine was a French Canadian who had wisely recognized the necessity of accepting the union he had at first opposed, and of making responsible government an instrument for the advancement of the interests of his compatriots and of bringing them into unison with all nationalities for the promotion of the common good. The other prominent French Canadian in the ministry was Mr. A. N. Morin, who possessed the confidence and respect of his people, but was wanting in the energy and ability to initiate and press public measures which his leader possessed.

The new administration had not been long in office when the governor-general fell a victim to an attack of dropsy, complicated by heart disease, and was succeeded by Sir Charles Metcalfe, who had held prominent official positions in India, and was governor of Jamaica previous to Lord Elgin's appointment. No one who has studied his character can doubt the honesty of his motives or his amiable qualities, but his political education in India and Jamaica rendered him in many ways incapable of understanding the political conditions of a country like Canada, where the people were determined to work out the system of parliamentary government on strictly British principles. He could have obtained little assistance from British statesmen had he been desirous of mastering

and applying the principles of responsible government to the dependency. Their opinions and instructions were still distinguished by a perplexing vagueness. They would not believe that a governor of a dependency could occupy exactly the same relation with respect to his responsible advisers and to political parties as is occupied with such admirable results by the sovereign of England. It was considered necessary that a governor should make himself as powerful a factor as possible in the administration of public affairs—that he should be practically the prime minister, responsible, not directly to the colonial legislature, but to the imperial government, whose servant he was and to whom he should constantly refer for advice and assistance whenever in his opinion the occasion arose. In other words it was almost impossible to remove from the mind of any British statesman, certainly not from the colonial office of those days, the idea that parliamentary government meant one thing in England and the reverse in the colonies, that Englishmen at home could be entrusted with a responsibility which it was inexpedient to allow to Englishmen or Frenchmen across the sea. The colonial office was still reluctant to give up complete control of the local administration of the province, and wished to retain a veto by means of the governor, who considered official favour more desirable than the approval of any colonial legislature. More or less imbued with such views, Sir Charles Metcalfe was bound to come into conflict

with LaFontaine and Baldwin, who had studied deeply the principles and practice of parliamentary government, and knew perfectly well that they could be carried out only by following the precedents established in the parent state.

It was not long before the rupture came between men holding views so diametrically opposed to each other with respect to the conduct of government. The governor-general decided not to distribute the patronage of the Crown under the advice of his responsible ministry, as was, of necessity, the constitutional practice in England, but to ignore the latter, as he boldly declared, whenever he deemed it expedient. "I wish," he wrote to the colonial secretary, "to make the patronage of the government conducive to the conciliation of all parties by bringing into the public service men of the greatest merit and efficiency without any party distinction." These were noble sentiments, sound in theory, but entirely incompatible with the operation of responsible government. If patronage is to be properly exercised in the interests of the people at large, it must be done by men who are directly responsible to the representatives of the people. If a governor-general is to make appointments without reference to his advisers, he must be more or less subject to party criticism, without having the advantage of defending himself in the legislature, or of having men duly authorized by constitutional usage to do so. The revival of that personal government which had

evoked so much political rancour, and brought governors into the arena of party strife before the rebellion, was the natural result of the obstinate and unconstitutional attitude assumed by Lord Metcalfe with respect to appointments to office and other matters of administration.

All the members of the LaFontaine-Baldwin government, with the exception of Mr. Dominick Daly, resigned in consequence of the governor's action. Mr. Daly had no special party proclivities, and found it to his personal interests to remain his Excellency's sole adviser. Practically the province was without an administration for many months, and when, at last, the governor-general was forced by public opinion to show a measure of respect for constitutional methods of government, he succeeded after most strenuous efforts in forming a Conservative cabinet, in which Mr. Draper was the only man of conspicuous ability. The French Canadians were represented by Mr. Viger and Mr. Denis B. Papineau, a brother of the famous rebel, neither of whom had any real influence or strength in Lower Canada, where the people recognized LaFontaine as their true leader and ablest public man. In the general election which soon followed the reconstruction of the government, it was sustained by a small majority, won only by the most unblushing bribery, by bitter appeals to national passion, and by the personal influence of the governor-general, as was the election which immediately preceded the

rising in Upper Canada. In later years, Lord Grey[1] remarked that this success was "dearly purchased, by the circumstance that the parliamentary opposition was no longer directed against the advisers of the governor but against the governor himself, and the British government, of which he was the organ." The majority of the government was obtained from Upper Canada, where a large body of people were misled by appeals made to their loyalty and attachment to the Crown, and where a large number of Methodists were influenced by the extraordinary action of the Rev. Egerton Ryerson, a son of a United Empire Loyalist, who defended the position of the governor-general, and showed how imperfectly he understood the principles and practice of responsible government. In a life of Sir Charles Metcalfe,[2] which appeared shortly after his death, it is stated that the governor-general "could not disguise from himself that the government was not strong, that it was continually on the brink of defeat, and that it was only enabled to hold its position by resorting to shifts and expedients, or what are called tactics, which in his inmost soul Lord Metcalfe abhorred."

The action of the British ministry during this crisis in Canadian affairs proved quite conclusively

[1] "The Colonial Policy of Lord John Russell's Administration," by Earl Grey, London, 1857. See Vol. I, p. 205.

[2] The "Life and Correspondence of Charles, Lord Metcalfe," by John W. Kaye, London, 1858.

that it was not yet prepared to concede responsible government in its fullest sense. Both Lord Stanley, then secretary of state for the colonies, and Lord John Russell, who had held the same office in a Whig administration, endorsed the action of the governor-general, who was raised to the peerage under the title of Baron Metcalfe of Fernhill, in the county of Berks. Earthly honours were now of little avail to the new peer. He had been a martyr for years to a cancer in the face, and when it assumed a most dangerous form he went back to England and died soon after his return. So strong was the feeling against him among a large body of the people, especially in French Canada, that he was bitterly assailed until the hour when he left, a dying man. Personally he was generous and charitable to a fault, but he should never have been sent to a colony at a crisis when the call was for a man versed in the practice of parliamentary government, and able to sympathize with the aspirations of a people determined to enjoy political freedom in accordance with the principles of the parliamentary institutions of England. With a remarkable ignorance of the political conditions of the province—too often shown by British statesmen in those days—so great a historian and parliamentarian as Lord Macaulay actually wrote on a tablet to Lord Metcalfe's memory:—"In Canada, not yet recovered from the calamities of civil war, he reconciled contending factions to each other and to the mother

country." The truth is, as written by Sir Francis Hincks[1] fifty years later, "he embittered the party feeling that had been considerably assuaged by Sir Charles Bagot."

Lord Metcalfe was succeeded by Lord Cathcart, a military man, who was chosen because of the threatening aspect of the relations between England and the United States on the question of the Oregon boundary. During his short term of office he did not directly interfere in politics, but carefully studied the defence of the country and quietly made preparations for a rupture with the neighbouring republic. The result of his judicious action was the disappearance of much of the political bitterness which had existed during Lord Metcalfe's administration. The country, indeed, had to face issues of vital importance to its material progress. Industry and commerce were seriously affected by the adoption of free trade in England, and the consequent removal of duties which had given a preference in the British markets to Canadian wheat, flour, and other commodities. The effect upon the trade of the province would not have been so serious had England at this time repealed the old navigation laws which closed the St. Lawrence to foreign shipping and prevented the extension of commerce to other markets. Such a course might have immediately compensated

[1] "Reminiscences of his public life," by Sir Francis Hincks, K.C.M.G., C.B., Montreal, 1884.

Canadians for the loss of those of the mother-land. The anxiety that was generally felt by Canadians on the reversal of the British commercial policy under which they had been able to build up a very profitable trade, was shown in the language of a very largely signed address from the assembly to the Queen. "We cannot but fear," it was stated in this document, "that the abandonment of the protective principle, the very basis of the colonial commercial system, is not only calculated to retard the agricultural improvement of the country and check its hitherto rising prosperity, but seriously to impair our ability to purchase the manufactured goods of Great Britain—a result alike prejudicial to this country and the parent state." But this appeal to the selfishness of British manufacturers had no influence on British statesmen so far as their fiscal policy was concerned. But while they were not prepared to depart in any measure from the principles of free trade and give the colonies a preference in British markets over foreign countries, they became conscious that the time had come for removing, as far as possible, all causes of public discontent in the provinces, at this critical period of commercial depression. British statesmen had suddenly awakened to the mistakes of Lord Metcalfe's administration of Canadian affairs, and decided to pursue a policy towards Canada which would restore confidence in the good faith and justice of the imperial government. "The Queen's

representative"—this is a citation from a London paper[1] supporting the Whig government—"should not assume that he degrades the Crown by following in a colony with a constitutional government the example of the Crown at home. Responsible government has been conceded to Canada, and should be attended in its workings with all the consequences of responsible government in the mother country. What the Queen cannot do in England the governor-general should not be permitted to do in Canada. In making imperial appointments she is bound to consult her cabinet; in making provincial appointments the governor-general should be bound to do the same."

The Oregon dispute had been settled, like the question of the Maine boundary, without any regard to British interests in America, and it was now deemed expedient to replace Lord Cathcart by a civil governor, who would be able to carry out, in the valley of the St. Lawrence, the new policy of the colonial office, and strengthen the ties between the province and the parent state.

As I have previously stated, Lord John Russell's ministry made a wise choice in the person of Lord Elgin. In the following pages I shall endeavour to show how fully were realized the high expectations of those British statesmen who sent him across the Atlantic at this critical epoch in the political and industrial conditions of the Canadian dependency.

[1] See "McMullen's History of Canada," Vol. II (2nd Ed.), p. 201.

CHAPTER III

POLITICAL DIFFICULTIES

LORD ELGIN made a most favourable impression on the public opinion of Canada from the first hour he arrived in Montreal, and had opportunities of meeting and addressing the people. His genial manner, his ready speech, his knowledge of the two languages, his obvious desire to understand thoroughly the condition of the country and to pursue British methods of constitutional government, were all calculated to attract the confidence of all nationalities, classes, and creeds. The supporters of responsible government heard with infinite pleasure the enunciation of the principles which would guide him in the discharge of his public duties. "I am sensible," he said in answer to a Montreal address, "that I shall but maintain the prerogative of the Crown, and most effectually carry out the instructions with which Her Majesty has honoured me, by manifesting a due regard for the wishes and feelings of the people and by seeking the advice and assistance of those who enjoy their confidence."

At this time the Draper Conservative ministry, formed under such peculiar circumstances by Lord Metcalfe, was still in office, and Lord Elgin, as in

duty bound, gave it his support, although it was clear to him and to all other persons at all conversant with public opinion that it did not enjoy the confidence of the country at large, and must soon give place to an administration more worthy of popular favour. He recognized the fact that the crucial weakness in the political situation was "that a Conservative government meant a government of Upper Canadians, which is intolerable to the French, and a Radical government meant a government of French, which is no less hateful to the British." He believed that the political problem of "how to govern united Canada"—and the changes which took place later showed he was right—would be best solved "if the French would split into a Liberal and Conservative party, and join the Upper Canada parties which bear corresponding names." Holding these views, he decided at the outset to give the French Canadians full recognition in the reconstruction or formation of ministries during his term of office. And under all circumstances he was resolved to give "to his ministers all constitutional support, frankly and without reserve, and the benefit of the best advice" that he could afford them in their difficulties. In return for this he expected that they would, "in so far as it is possible for them to do so, carry out his views for the maintenance of the connection with Great Britain and the advancement of the interests of the province." On this tacit understanding, they—the governor-general and the

Draper-Viger cabinet—had "acted together harmoniously," although he had "never concealed from them that he intended to do nothing" which would "prevent him from working cordially with their opponents." It was indispensable that "the head of the government should show that he has confidence in the loyalty of all the influential parties with which he has to deal, and that he should have no personal antipathies to prevent him from acting with leading men."

Despite the wishes of Lord Elgin, it was impossible to reconstruct the government with a due regard to French Canadian interests. Mr. Caron and Mr. Morin, both strong men, could not be induced to become ministers. The government continued to show signs of disintegration. Several members resigned and took judgeships in Lower Canada. Even Mr. Draper retired with the understanding that he should also go on the bench at the earliest opportunity in Upper Canada. Another effort was made to keep the ministry together, and Mr. Henry Sherwood became its head; but the most notable acquisition was Mr. John Alexander Macdonald as receiver-general. From that time this able man took a conspicuous place in the councils of the country, and eventually became prime minister of the old province of Canada, as well as of the federal dominion which was formed many years later in British North America, largely through his instrumentality. From his first entrance into politics

he showed that versatility of intellect, that readiness to adapt himself to dominant political conditions and make them subservient to the interests of his party, that happy faculty of making and keeping personal friends, which were the most striking traits of his character. His mind enlarged as he had greater experience and opportunities of studying public life, and the man who entered parliament as a Tory became one of the most Liberal-Conservatives who ever administered the affairs of a colonial dependency, and, at the same time, a statesman of a comprehensive intellect who recognized the strength of British institutions and the advantage of British connection.

The obvious weakness of the reconstructed ministry was the absence of any strong men from French Canada. Mr. Denis B. Papineau was in no sense a recognized representative of the French Canadians, and did not even possess those powers of eloquence—that ability to give forth "rhetorical flashes"—which were characteristic of his reckless but highly gifted brother. In fact the ministry as then organized was a mere makeshift until the time came for obtaining an expression of opinion from the people at the polls. When parliament met in June, 1847, it was quite clear that the ministry was on the eve of its downfall. It was sustained only by a feeble majority of two votes on the motion for the adoption of the address to the governor-general. The opposition, in which LaFon-

taine, Baldwin, Aylwin, and Chauveau were the most prominent figures, had clearly the best of the argument in the political controversies with the tottering ministry. Even in the legislative council resolutions, condemning it chiefly on the ground that the French province was inadequately represented in the cabinet, were only negatived by the vote of the president, Mr. McGill, a wealthy merchant of Montreal, who was also a member of the administration.

Despite the weakness of the government, the legislature was called upon to deal with several questions which pressed for immediate action. Among the important measures which were passed was one providing for the amendment of the law relating to forgery, which was no longer punishable by death. Another amended the law with respect to municipalities in Lower Canada, which, however, failed to satisfy the local requirements of the people, though it remained in force for eight years, when it was replaced by one better adapted to the conditions of the French province. The legislature also discussed the serious effects of free trade upon Canadian industry, and passed an address to the Crown praying for the repeal of the laws which prevented the free use of the St. Lawrence by ships of all nations. But the most important subject with which the government was called upon to deal was one which stifled all political rivalry and national prejudices, and demanded the earnest consideration of

all parties. Canada, like the rest of the world, had heard of an unhappy land smitten with a hideous plague, of its crops lying in pestilential heaps and of its peasantry dying above them, of fathers, mothers, and children ghastly in their rags or nakedness, of dead unburied, and the living flying in terror, as it were, from a stricken battlefield. This dreadful Irish famine forced to Canada upwards of 100,000 persons, the greater number of whom were totally destitute and must have starved to death had they not received public or private charity. The miseries of these unhappy immigrants were aggravated to an inconceivable degree by the outbreak of disease of a most malignant character, stimulated by the wretched physical condition and by the disgraceful state of the pest ships in which they were brought across the ocean. In those days there was no effective inspection or other means taken to protect from infection the unhappy families who were driven from their old homes by poverty and misery. From Grosse Isle, the quarantine station on the Lower St. Lawrence, to the most distant towns in the western province, many thousands died in awful suffering, and left helpless orphans to evoke the aid and sympathy of pitying Canadians everywhere. Canada was in no sense responsible for this unfortunate state of things. The imperial government had allowed this Irish immigration to go on without making any effort whatever to prevent the evils that followed it from Ireland to the

banks of the St. Lawrence and the Great Lakes. It was a heavy burden which Canada should never have been called upon to bear at a time when money was scarce and trade was paralyzed by the action of the imperial parliament itself. Lord Elgin was fully alive to the weighty responsibility which the situation entailed upon the British government, and at the same time did full justice to the exertions of the Canadian people to cope with this sad crisis. The legislature voted a sum of money to relieve the distress among the immigrants, but it was soon found entirely inadequate to meet the emergency.

Lord Elgin did not fail to point out to the colonial secretary "the severe strain" that this sad state of things made, not only upon charity, but upon the very loyalty of the people to a government which had shown such culpable negligence since the outbreak of the famine and the exodus from the plague-stricken island. He expressed the emphatic opinion that "all things considered, a great deal of forbearance and good feeling had been shown by the colonists under this trial." He gave full expression to the general feeling of the country that "Great Britain must make good to the province the expenses entailed on it by this visitation." He did full justice to the men and women who showed an extraordinary spirit of self-sacrifice, a positive heroism, during this national crisis. "Nothing," he wrote, "can exceed the devotion of the nuns and Roman Catholic priests, and the conduct

of the clergy and of many of the laity of other denominations has been most exemplary. Many lives have been sacrificed in attendance on the sick, and administering to their temporal and spiritual need. . . This day the Mayor of Montreal, Mr. Mills, died, a very estimable man, who did much for the immigrants, and to whose firmness and philanthropy we chiefly owe it, that the immigrant sheds here were not tossed into the river by the people of the town during the summer. He has fallen a victim to his zeal on behalf of the poor plague-stricken strangers, having died of ship fever caught at the sheds." Among other prominent victims were Dr. Power, Roman Catholic Bishop of Toronto, Vicar-General Hudon of the same church, Mr. Roy, curé of Charlesbourg, and Mr. Chaderton, a Protestant clergyman. Thirteen Roman Catholic priests, if not more, died from their devotion to the unhappy people thus suddenly thrown upon their Christian charity. When the season of navigation was nearly closed, a ship arrived with a large number of people from the Irish estates of one of Her Majesty's ministers, Lord Palmerston. The natural result of this incident was to increase the feeling of indignation already aroused by the apathy of the British government during this national calamity. Happily Lord Elgin's appeals to the colonial secretary had effect, and the province was reimbursed eventually for the heavy expenses incurred by it in its efforts to fight disease, misery and death. English states-

men, after these painful experiences, recognized the necessity of enforcing strict regulations for the protection of emigrants crossing the ocean, against the greed of ship-owners. The sad story of 1847-8 cannot now be repeated in times when nations have awakened to their responsibilities towards the poor and distressed who are forced to leave their old homes for that new world which offers them well-paid work, political freedom, plenty of food and countless comforts.

In the autumn of 1847, Lord Elgin was able to seek some relief from his many cares and perplexities of government in a tour of the western province, where, to quote his own words, he met "a most gratifying and encouraging reception." He was much impressed with the many signs of prosperity which he saw on all sides. "It is indeed a glorious country," he wrote enthusiastically to Lord Grey, "and after passing, as I have done within the last fortnight, from the citadel of Quebec to the falls of Niagara, rubbing shoulders the while with its free and perfectly independent inhabitants, one begins to doubt whether it be possible to acquire a sufficient knowledge of man or nature, or to obtain an insight into the future of nations, without visiting America." During this interesting visit to Upper Canada, he seized the opportunity of giving his views on a subject which may be considered one of his hobbies, one to which he devoted much attention while in Jamaica, and this was the forma-

tion of agricultural associations for the purpose of stimulating scientific methods of husbandry.

Before the close of the first year of his administration Lord Elgin felt that the time had come for making an effort to obtain a stronger ministry by an appeal to the people. Accordingly he dissolved parliament in December, and the elections, which were hotly contested, resulted in the unequivocal condemnation of the Sherwood cabinet, and the complete success of the Liberal party led by LaFontaine and Baldwin. Among the prominent Liberals returned by the people of Upper Canada were Baldwin, Hincks, Blake, Price, Malcolm Cameron, Richards, Merritt and John Sandfield Macdonald. Among the leaders of the same party in Lower Canada were LaFontaine, Morin, Aylwin, Chauveau and Holmes. Several able Conservatives lost their seats, but Sir Allan MacNab, John A. Macdonald, Mr. Sherwood and John Hillyard Cameron succeeded in obtaining seats in the new parliament, which was, in fact, more notable than any other since the union for the ability of its members. Not the least noteworthy feature of the elections was the return of Mr. Louis J. Papineau, and Mr. Wolfred Nelson, rebels of 1837-8, both of whom had been allowed to return some time previously to the country. Mr. Papineau's career in parliament was not calculated to strengthen his position in impartial history. He proved beyond a doubt that he was only a demagogue, incapable of learning

lessons of wise statesmanship during the years of reflection that were given him in exile. He continued to show his ignorance of the principles and workings of responsible government. Before the rebellion which he so rashly and vehemently forced on his credulous, impulsive countrymen, so apt to be deceived by flashy rhetoric and glittering generalities, he never made a speech or proposed a measure in support of the system of parliamentary government as explained by Baldwin and Howe, and even W. Lyon Mackenzie. His energy and eloquence were directed towards the establishment of an elective legislative council in which his compatriots would have necessarily the great majority, a supremacy that would enable him and his following to control the whole legislation and government, and promote his dominant idea of a *Nation Canadienne* in the valley of the St. Lawrence. After the union he made it the object of his political life to thwart in every way possible the sagacious, patriotic plans of LaFontaine, Morin, and other broad-minded statesmen of his own nationality, and to destroy that system of responsible government under which French Canada had become a progressive and influential section of the province.

As soon as parliament assembled at the end of February, the government was defeated on the vote for the speakership. Its nominee, Sir Allan MacNab, received only nineteen votes out of fifty-four, and Morin, the Liberal candidate, was then

unanimously chosen. When the address in reply to the governor-general's speech came up for consideration, Baldwin moved an amendment, expressing a want of confidence in the ministry, which was carried by a majority of thirty votes in a house of seventy-four members, exclusive of the speaker, who votes only in case of a tie. Lord Elgin received and answered the address as soon as it was ready for presentation, and then sent for LaFontaine and Baldwin.

He spoke to them, as he tells us himself, "in a candid and friendly tone," and expressed the opinion that "there was a fair prospect, if they were moderate and firm, of forming an administration deserving and enjoying the confidence of parliament." He added that "they might count on all proper support and assistance from him." When they "dwelt on difficulties arising out of pretensions advanced in various quarters," he advised them "not to attach too much importance to such considerations, but to bring together a council strong in administrative talent, and to take their stand on the wisdom of their measures and policy." The result was the construction of a powerful government by LaFontaine with the aid of Baldwin. "My present council," Lord Elgin wrote to the colonial secretary, "unquestionably contains more talent, and has a firmer hold on the confidence of parliament and of the people than the last. There is, I think, moreover, on their part, a desire to prove, by proper deference for the authority of the

governor-general (which they all admit has in my case never been abused), that they were libelled when they were accused of impracticability and anti-monarchical tendencies." These closing words go to show that the governor-general felt it was necessary to disabuse the minds of the colonial secretary and his colleagues of the false impression which the British government and people seemed to entertain, that the Tories and Conservatives were alone to be trusted in the conduct of public affairs. He saw at once that the best way of strengthening the connection with Great Britain was to give to the strongest political party in the country its true constitutional position in the administration of public affairs, and identify it thoroughly with the public interests.

The new government was constituted as follows:

Lower Canada.—Hon. L. H. LaFontaine, attorney-general of Lower Canada; Hon. James Leslie, president of the executive council; Hon. R. E. Caron, president of the legislative council; Hon. E. P. Taché, chief commissioner of public works; Hon. I. C. Aylwin, solicitor-general for Lower Canada; Hon. L. M. Viger, receiver-general.

Upper Canada.—Hon. Robert Baldwin, attorney-general of Upper Canada; Hon. R. B. Sullivan, provincial secretary; Hon. F. Hincks, inspector-general; Hon. J. H. Price, commissioner of crown lands; Hon. Malcolm Cameron, assistant commissioner of public works; Hon. W. H. Blake, solicitor-general.

The LaFontaine-Baldwin ministry must always occupy a distinguished place in the political history of the Canadian people. It was the first to be formed strictly in accordance with the principles of responsible government, and from its entrance into public life must be dated a new era in which the relations between the governor and his advisers were at last placed on a sound constitutional basis, in which the constant appeals to the imperial government on matters of purely provincial significance came to an end, in which local self-government was established in the fullest sense compatible with the continuance of the connection with the empire. It was a ministry notable not only for the ability of its members, but for the many great measures which it was able to pass during its term of office—measures calculated to promote the material advancement of the province, and above all to dispel racial prejudices and allay sectional antagonisms by the adoption of wise methods of compromise, conciliation and justice to all classes and creeds.

In Lord Elgin's letters of 1848 to Earl Grey, we can clearly see how many difficulties surrounded the discharge of his administrative functions at this time, and how fortunate it was for Canada, as well as for Great Britain, that he should have been able to form a government which possessed so fully the confidence of both sections of the province, irrespective of nationality. The revolution of February in Paris, and the efforts of a large body of Irish in

the United States to evoke sympathy in Canada on behalf of republicanism were matters of deep anxiety to the governor-general and other friends of the imperial state. "It is just as well," he wrote at this time to Lord Grey, "that I should have arranged my ministry, and committed the flag of Great Britain to the custody of those who are supported by the large majority of the representatives and constituencies of the province, before the arrival of the astounding news from Europe which reached us by the last mail. There are not wanting here persons who might, under different circumstances, have attempted by seditious harangues, if not by overt acts, to turn the example of France, and the sympathies of the United States to account."

Under the circumstances he pressed upon the imperial authorities the wisdom of repealing that clause of the Union Act which restricted the use of the French language. "I am for one deeply convinced," and here he showed he differed from Lord Durham, "of the impolicy of all such attempts to denationalize the French. Generally speaking, they produce the opposite effect from that intended, causing the flame of national prejudice and animosity to burn more fiercely." But he went on to say, even were such attempts successful, what would be the inevitable result: "You may perhaps Americanize, but, depend upon it, by methods of this description you will never Anglicize the French inhabitants of the province. Let them

feel, on the other hand, that their religion, their habits, their prepossessions, their prejudices, if you will, are more considered and respected here than in other portions of this vast continent, who will venture to say that the last hand which waves the British flag on American ground may not be that of a French Canadian?"[1]

Lord Elgin had a strong antipathy to Papineau—"Guy Fawkes Papineau," as he called him in one of his letters—who was, he considered, "actuated by the most malignant passions, irritated vanity, disappointed ambition and national hatred," always ready to wave "a lighted torch among combustibles." Holding such opinions, he seized every practical opportunity of thwarting Papineau's persistent efforts to create a dangerous agitation among his impulsive countrymen. He shared fully the great desire of the bishops and clergy to stem the immigration of large numbers of French Canadians into the United States by the establishment of an association for colonization purposes. Papineau endeavoured to attribute this exodus to the effects of the policy of the imperial government, and to gain control of this association with the object of using it as a means of stimulating a feeling against England, and strengthening himself

[1] These concluding words of Lord Elgin recall a similar expression of feeling by Sir Etienne Pascal Taché, "That the last gun that would be fired for British supremacy in America would be fired by a French Canadian."

in French Canada by such insidious methods. Lord Elgin, with that intuitive sagacity which he applied to practical politics, recognized the importance of identifying himself with the movement initiated by the bishops and their friends, of putting himself "in so far as he could at its head," of imparting to it "as salutary a direction as possible, and thus wresting from Papineau's hands a potent instrument of agitation." This policy of conciliating the French population, and anticipating the great agitator in his design, was quite successful. To use Lord Elgin's own language, "Papineau retired to solitude and reflection at his seigniory, 'La Petite Nation,'" and the governor-general was able at the same time to call the attention of the colonial secretary to a presentment of the grand jury of Montreal, "in which that body adverts to the singularly tranquil, contented state of the province."

It was at this time that Lord Elgin commenced to give utterance to the views that he had formed with respect to the best method of giving a stimulus to the commercial and industrial interests that were so seriously crippled by the free trade policy of the British government. So serious had been its effects upon the economic conditions of the province that mill-owners, forwarders and merchants had been ruined "at one fell swoop," that the revenue had been reduced by the loss of the canal dues paid previously by the shipping engaged in the trade

promoted by the old colonial policy of England, that private property had become unsaleable, that not a shilling could be raised on the credit of the province, that public officers of all grades, including the governor-general, had to be paid in debentures which were not exchangeable at par. Under such circumstances it was not strange, said the governor-general, that Canadians were too ready to make unfavourable comparisons between themselves and their republican neighbours. "What makes it more serious," he said, "is that all the prosperity of which Canada is thus robbed is transplanted to the other side of the line, as if to make Canadians feel more bitterly how much kinder England is to the children who desert her, than to those who remain faithful. It is the inconsistency of imperial legislation, and not the adoption of one policy rather than another, which is the bane of the colonies."

He believed that "the conviction that they would be better off if they were annexed," was almost universal among the commercial classes at that time, and the peaceful condition of the province under all the circumstances was often a matter of great astonishment even to himself. In his letters urging the imperial government to find an immediate remedy for this unfortunate condition of things, he acknowledged that there was "something captivating in the project of forming this vast British Empire into one huge *Zollverein*, with free

interchange of commodities, and uniform duties against the world without; though perhaps without some federal legislation it might have been impossible to carry it out."[1] Undoubtedly, under such a system "the component parts of the empire would have been united by bonds which cannot be supplied under that on which we are now entering," but he felt that, whatever were his own views on the subject, it was then impossible to disturb the policy fixed by the imperial government, and that the only course open to them, if they hoped "to keep the colonies," was to repeal the navigation laws, and to allow them "to turn to the best possible account their contiguity to the States, that they might not have cause for dissatisfaction when they contrasted their own condition with that of their neighbours."

Some years, however, passed before the governor-general saw his views fully carried out. The imperial authorities, with that extraordinary indifference to colonial conditions which too often distinguished them in those times, hesitated until well into 1849 to follow his advice with respect to the navigation

[1] Fifty years after these words were written, debates have taken place in the House of Commons of the Canadian federation in favour of an imperial Zollverein, which would give preferential treatment to Canada's products in British markets. The Conservative party, when led by Sir Charles Tupper, emphatically declared that "no measure of preference, which falls short of the complete realization of such a policy, should be considered final or satisfactory." England, however, still clings to free trade.

laws, and the Reciprocity Treaty was not successfully negotiated until a much later time. He had the gratification, however, before he left Canada of seeing the beneficial effects of the measures which he so earnestly laboured to promote in the interests of the country.

CHAPTER IV

THE INDEMNIFICATION ACT

THE legislature opened on January 18th, 1849, when Lord Elgin had the gratification of informing French Canadians that the restrictions imposed by the Union Act on the use of their language in the public records had been removed by a statute of the imperial parliament. For the first time in Canadian history the governor-general read the speech in the two languages; for in the past it had been the practice of the president of the legislative council to give it in French after it had been read in English from the throne. The session was memorable in political annals for the number of useful measures that were adopted. In later pages of this book I shall give a short review of these and other measures which show the importance of the legislation passed by the LaFontaine-Baldwin ministry. For the present I shall confine myself to the consideration of a question which created an extraordinary amount of public excitement, culminated in the destruction of valuable public property, and even threatened the life of the governor-general, who during one of the most trying crises in Canadian history, displayed a coolness and patience, an indifference to all personal considera-

tions, a political sagacity and a strict adherence to sound methods of constitutional government, which entitle him to the gratitude of Canadians, who might have seen their country torn asunder by internecine strife, had there been then a weak and passionate man at the head of the executive. As it will be seen later, he, like the younger Pitt in England, was "the pilot who weathered the storm." In Canada, the storm, in which the elements of racial antagonism, of political rivalry and disappointment, of spoiled fortunes and commercial ruin raged tumultuously for a while, threatened not only to drive Canada back for years in its political and material development, but even to disturb the relations between the dependency and the imperial state.

The legislation which gave rise to this serious convulsion in the country was, in a measure, an aftermath of the rebellious risings of 1837 and 1838 in Upper and Lower Canada. Many political grievances had been redressed since the union, and the French Canadians had begun to feel that their interests were completely safe under a system of government which gave them an influential position in the public councils. The restoration of their language to its proper place in a country composed of two nationalities standing on a sure footing of equal political and civil rights, was a great consolation to the French people of the east. The pardon extended to the rash men who were directly concerned in

the events of 1837 and 1838, was also well calculated to heal the wounds inflicted on the province during that troublous period. It needed only the passage of another measure to conceal the scars of those unhappy days, and to bury the past in that oblivion in which all Canadians, anxious for the unity and harmony of the two races and the satisfactory operation of political institutions, were sincerely desirous of hiding it forever. This measure was pecuniary compensation from the state for certain losses incurred by people in French Canada in consequence of the wanton destruction of property during the revolt. The obligation of the state to give such compensation had been fully recognized before and after the union.

The special council of Lower Canada and the legislature of Upper Canada had authorized the payment of an indemnity to those loyal inhabitants in their respective provinces who had sustained losses during the insurrections. It was not possible, however, before the union, to make payments out of the public treasury in accordance with the ordinance of the special council of Lower Canada and the statute of the legislature of Upper Canada. In the case of both provinces these measures were enacted to satisfy the demands that were made for compensation by a large number of people who claimed to have suffered losses at the outbreak of the rebellions, or during the raids from the United States which followed these risings and which kept the country

in a state of ferment for months. The legislature of the united provinces passed an act during its first session to extend compensation to losses occasioned in Upper Canada by violence on the part of persons "acting or assuming to act" on Her Majesty's behalf "for the suppression of the said rebellion or for the prevention of further disturbances." Funds were also voted out of the public revenues for the payment of indemnities to those who had met with the losses set forth in this legislation affecting Upper Canada. It was, on the whole, a fair settlement of just claims in the western province.

The French Canadians in the legislature supported the measure, and urged with obvious reason that the same consideration should be shown to the same class of persons in Lower Canada. It was not, however, until the session of 1845, when the Draper-Viger ministry was in office, that an address was passed to the governor-general, Lord Metcalfe, praying him to take such steps as were necessary "to insure to the inhabitants of that portion of this province, formerly Lower Canada, an indemnity for just losses suffered during the rebellions of 1837 and 1838." The immediate result was the appointment of commissioners to make inquiry into the losses sustained by "Her Majesty's loyal subjects" in Lower Canada "during the late unfortunate rebellion." The commissioners found some difficulty in acting upon their instructions, which called upon them to distinguish the

cases of those "who had joined, aided or abetted the said rebellion, from the cases of those who had not done so," and they accordingly applied for definite advice from Lord Cathcart, whose advisers were still the Draper-Viger ministry. The commissioners were officially informed that "it was his Excellency's intention that they should be guided by no other description of evidence than that furnished by the sentences of the courts of law." They were further informed that it was only intended that they should form a general estimate of the rebellion losses, "the particulars of which must form the subject of more minute inquiry hereafter, under legislative authority."

During the session of 1846 the commissioners made a report which gave a list of 2,176 persons who made claims amounting in the aggregate to £241,965. At the same time the commissioners expressed the opinion that £100,000 would be adequate to satisfy all just demands, and directed attention to the fact that upwards of £25,503 were actually claimed by persons who had been condemned by a court-martial for their participation in the rebellion. The report also set forth that the inquiry conducted by the commissioners had been necessarily imperfect in the absence of legal power to make a minute investigation, and that they had been compelled largely to trust to the allegations of the claimants who had laid their cases before them, and that it was only from data collected in

this way that they had been able to come to conclusions as to the amount of losses.

When the Draper-Viger ministry first showed a readiness to take up the claims of Lower Canada for the same compensation that had been granted to Upper Canada, they had been doubtless influenced, not solely by the conviction that they were called upon to perform an act of justice, but mainly by a desire to strengthen themselves in the French province. We have already read that their efforts in this direction entirely failed, and that they never obtained in that section any support from the recognized leaders of public opinion, but were obliged to depend upon Denis B. Papineau and Viger to keep up a pretence of French Canadian representation in the cabinet. It is, then, easy to believe that, when the report of the commissioners came before them, they were not very enthusiastic on the subject, or prepared to adopt vigorous measures to settle the question on some equitable basis, and remove it entirely from the field of political and national conflict.

They did nothing more than make provision for the payment of £9,986, which represented claims fully investigated and recognized as justifiable before the union, and left the general question of indemnity for future consideration. Indeed, it is doubtful if the Conservative ministry of that day, the mere creation of Lord Metcalfe, kept in power by a combination of Tories and other factions in Upper Canada, could

have satisfactorily dealt with a question which required the interposition of a government having the confidence of both sections of the province. One thing is quite certain. This ministry, weak as it was, Tory and ultra-loyalist as it claimed to be, had recognized by the appointment of a commission, the justice of giving compensation to French Canada on the principles which had governed the settlement of claims from Upper Canada. Had the party which supported that ministry been influenced by any regard for consistency or principle, it was bound in 1849 to give full consideration to the question, and treat it entirely on its merits with the view of preventing its being made a political issue and a means of arousing racial and sectional animosities. As we shall now see, however, party passion, political demagogism, and racial hatred prevailed above all high considerations of the public peace and welfare, when parliament was asked by the LaFontaine-Baldwin ministry to deal seriously and practically with the question of indemnity to Lower Canada.

The session was not far advanced when LaFontaine brought forward a series of resolutions, on which were subsequently based a bill, which set forth in the preamble that "in order to redeem the pledge given to the sufferers of such losses . . . it is necessary and just that the particulars of such losses, not yet paid and satisfied, should form the subject of more minute inquiry under legislative

authority (see p. 65 *ante*) and that the same, so far only as they may have arisen from the total or partial, unjust, unnecessary or wanton destruction of dwellings, buildings, property and effects . . . should be paid and satisfied." The act provided that no indemnity should be paid to persons "who had been convicted of treason during the rebellion, or who, having been taken into custody, had submitted to Her Majesty's will, and been transported to Bermuda." Five commissioners were to be appointed to carry out the provisions of the act, which also provided £400,000 for the payment of legal claims.

Then all the forces hostile to the government gathered their full strength for an onslaught on a measure which such Tories as Sir Allan MacNab and Henry Sherwood believed gave them an excellent opportunity of arousing a strong public sentiment which might awe the governor-general and bring about a ministeral crisis. The issue was not one of public principle or of devotion to the Crown, it was simply a question of obtaining a party victory *per fas aut nefas*. The debate on the second reading of the bill was full of bitterness, intensified even to virulence. Mr. Sherwood declared that the proposal of the government meant nothing else than the giving of a reward to the very persons who had been the cause of the shedding of blood and the destruction of property throughout the country. Sir Allan MacNab went so far in a

moment of passion as to insult the French Canadian people by calling them "aliens and rebels." The solicitor-general, Mr. Hume Blake,[1] who was Irish by birth, and possessed a great power of invective, inveighed in severe terms against "the family compact" as responsible for the rebellion, and declared that the stigma of "rebels" applied with complete force to the men who were then endeavouring to prevent the passage of a bill which was a simple act of justice to a large body of loyal people. Sir Allan MacNab instantly became furious and said that if Mr. Blake called him a rebel it was simply a lie.

Then followed a scene of tumult, in which the authority of the chair was disregarded, members indulged in the most disorderly cries, and the people in the galleries added to the excitement on the floor by their hisses and shouts. The galleries were cleared with the greatest difficulty, and a hostile encounter between Sir Allan and Mr. Blake was only prevented by the intervention of the sergeant-at-arms, who took them into custody by order of the House until they gave assurances that they would proceed no further in the unseemly dispute. When the debate was resumed on the following day, LaFontaine brought it again to the proper level of argument and reason, and

[1] The father of the Hon. Edward Blake, the eminent constitutional lawyer, who occupied for many years a notable place in Canadian politics, and is now (1902) a member of the British House of Commons.

showed that both parties were equally pledged to a measure based on considerations of justice, and declared positively that the government would take every possible care in its instructions to the commissioners that no rebel should receive any portion of the indemnity, which was intended only as a compensation to those who had just claims upon the country for the losses that they actually sustained in the course of the unfortunate rebellion.

At this time the Conservative and ultra-loyal press was making frantic appeals to party passions and racial prejudices, and calling upon the governor-general to intervene and prevent the passage of a measure which, in the opinion of loyal Canadians, was an insult to the Crown and its adherents. Public meetings were also held and efforts made to arouse a violent feeling against the bill. The governor-general understood his duty too well as the head of the executive to interfere with the bill while passing through the two Houses, and paid no heed to these passionate appeals dictated by partisan rancour, while the ministry pressed the question to the test of a division as soon as possible. The resolutions and the several readings of the bill passed both Houses by large majorities. The bill was carried in the assembly on March 9th by forty-seven votes against eighteen, and in the legislative council on the 15th, by fifteen against fourteen. By an analysis of the division in the popular chamber, it will be seen that out of thirty-one

members from Upper Canada seventeen supported and fourteen opposed the bill, while out of ten Lower Canadian members of British descent there were six who voted yea and four nay. The representatives of French Canada as a matter of course were arrayed as one in favour of an act of justice to their compatriots. During the passage of the bill its opponents deluged the governor-general with petitions asking him either to dissolve the legislature or to reserve the bill for the consideration of the imperial government. Such appeals had no effect whatever upon Lord Elgin, who was determined to adhere to the well understood rules of parliamentary government in all cases of political controversy.

When the bill had passed all its stages in the two Houses by large majorities of both French and English Canadians, the govenor-general came to the legislative council and gave the royal assent to the measure, which was entitled "An Act to provide for the indemnification of parties in Lower Canada whose property was destroyed during the rebellion in the years 1837 and 1838." No other constitutional course could have been followed by him under all the circumstances. In his letters to the colonial secretary he did not hesitate to express his regret "that this agitation should have been stirred, and that any portion of the funds of the province should be diverted now from much more useful purposes to make good losses sustained by indi-

viduals in the rebellion," but he believed that "a great deal of property was cruelly and wantonly destroyed" in Lower Canada, and that "this government, after what their predecessors had done, and with Papineau in the rear, could not have helped taking up this question." He saw clearly that it was impossible to dissolve a parliament just elected by the people, and in which the government had a large majority. "If I had dissolved parliament," to quote his own words, "I might have produced a rebellion, but assuredly I should not have procured a change of ministry. The leaders of the party know that as well as I do, and were it possible to play tricks in such grave concerns, it would have been easy to throw them into utter confusion by merely calling upon them to form a government. They were aware, however, that I could not for the sake of discomfiting them hazard so desperate a policy; so they have played out their game of faction and violence without fear of consequences."

His reasons for not reserving the bill for the consideration of the British government must be regarded as equally cogent by every student of our system of government, especially by those persons who believe in home rule in all matters involving purely Canadian interests. In the first place, the bill for the relief of a corresponding class of persons in Upper Canada, "which was couched in terms very nearly similar, was not reserved," and it was

"difficult to discover a sufficient reason, so far as the representative of the Crown was concerned, for dealing with the one measure differently from the other." And in the second place, "by reserving the bill he should only throw upon Her Majesty's government or (as it would appear to the popular eye in Canada) on Her Majesty herself, a responsibility which rests and ought to rest" upon the governor-general of Canada. If he passed the bill, "whatever mischief ensues may probably be repaired," if the worst came to the worst, "by the sacrifice" of himself. If the case were referred to England, on the other hand, it was not impossible that Her Majesty might "only have before her the alternative of provoking a rebellion in Lower Canada, by refusing her assent to a measure chiefly affecting the interests of the *habitants* and thus throwing the whole population into Papineau's hands, or of wounding the susceptibilities of some of the best subjects she has in the province."

A Canadian writer at the present time can refer only with a feeling of indignation and humiliation to the scenes of tumult, rioting and incendiarism, which followed the royal assent to the bill of indemnity. When Lord Elgin left Parliament House —formerly the Ste. Anne market—a large crowd insulted him with opprobrious epithets. In his own words he was "received with ironical cheers and hootings, and a small knot of individuals, consisting, it has since been ascertained, of persons

of a respectable class in society, pelted the carriage with missiles which must have been brought for that purpose." A meeting was held in the open air, and after several speeches of a very inflammatory character had been made, the mob rushed to the parliament building, which was soon in flames. By this disgraceful act of incendiarism most valuable collections of books and documents were destroyed, which, in some cases, could not be replaced. Supporters of the bill were everywhere insulted and maltreated while the excitement was at its height. LaFontaine's residence was attacked and injured. His valuable library of books and manuscripts, some of them very rare, was destroyed by fire —a deplorable incident which recalls the burning and mutilation of the rich historical collections of Hutchinson, the last loyalist governor of Massachusetts, at the commencement of the American revolution in Boston.

A few days later Lord Elgin's life was in actual danger at the hands of the unruly mob, as he was proceeding to Government House—then the old Château de Ramezay on Notre Dame Street—to receive an address from the assembly. On his return to Monklands he was obliged to take a circuitous route to evade the same mob who were waiting with the object of further insulting him and otherwise giving vent to their feelings.

The government appears to have been quite unconscious that the public excitement was likely to

assume so dangerous a phase, and had accordingly taken none of those precautions which might have prevented the destruction of the Parliament House and its valuable contents. Indeed it would seem that the leaders of the movement against the bill had themselves no idea that the political storm which they had raised by their inflammatory harangues would become a whirlwind so entirely beyond their control. Their main object was to bring about a ministerial crisis. Sir Allan MacNab, the leader of the opposition, himself declared that he was amazed at the dangerous form which the public indignation had at last assumed. He had always been a devoted subject of the sovereign, and it is only just to say that he could under no circumstances become a rebel, but he had been carried away by his feelings and had made rash observations more than once under the belief that the bill would reward the same class of men whom he and other loyalists had fought against in Upper Canada. Whatever he felt in his heart, he and his followers must always be held as much responsible for the disturbances of 1849 as were Mackenzie and Papineau for those of 1837. Indeed there was this difference between them: the former were reckless, but at least they had, in the opinion of many persons, certain political grievances to redress, while the latter were simply opposing the settlement of a question which they were bound to consider fairly and impartially, if they had any respect for former

pledges. Papineau, Mackenzie and Nelson may well have found a measure of justification for their past madness when they found the friends of the old "family compact" and the extreme loyalists of 1837 and 1838 incited to insult the sovereign in the person of her representative, to create racial passion and to excite an agitation which might at any moment develop into a movement most fatal to Canada and her connection with England.

Happily for the peace of the country, Lord Elgin and his councillors showed a forbearance and a patience which could hardly have been expected from them during the very serious crisis in which they lived for some weeks. "I am prepared," said Lord Elgin at the very moment his life was in danger, "to bear any amount of obloquy that may be cast upon me, but, if I can possibly prevent it, no stain of blood shall rest upon my name." When he remained quiet at Monklands and decided not to give his enemies further opportunities for outbursts of passion by paying visits to the city, even if protected by a military force, he was taunted by the papers of the opposition with cowardice for pursuing a course which, we can all now clearly see, was in the interests of peace and order. When at a later time LaFontaine's house was again attacked after the arrest of certain persons implicated in the destruction of the Parliament House, and one of the assailants was killed by a shot fired from inside, he positively refused to consent to

martial law or any measures of increased rigour until a further appeal had been made to the mayor and corporation of the city. The issue proved that he was clearly right in his opinion of the measures that should be taken to restore order at this time. The law-abiding citizens of Montreal at once responded to a proclamation of the mayor to assist him in the maintenance of peace, and the coroner's jury—one member being an Orangeman who had taken part in the funeral of the deceased—brought in a unanimous verdict, acquitting LaFontaine of all blame for the unfortunate incident that had occurred during the unlawful attack on his residence.

The Montreal disturbances soon evoked the indignation of the truly loyal inhabitants of the province. Addresses came to the governor-general from all parts to show him that the riots were largely due to local causes, "especially to commercial distress acting on religious bigotry and national hatred." He had also the gratification of learning that his constitutional action was fully justified by the imperial government, as well as supported in parliament where it was fully discussed. When he offered to resign his office, he was assured by Lord Grey that "his relinquishment of that office, which, under any circumstances, would be a most serious blow to Her Majesty's service and to the province, could not fail, in the present state of affairs, to be most injurious to the public welfare, from the encouragement which it would give to those who

have been concerned in the violent and illegal opposition which has been offered to your government." In parliament, Mr. Gladstone, who seems never to have been well-informed on the subject, went so far as to characterize the Rebellion Losses Bill as a measure for rewarding rebels, but both Lord John Russell, then leader of the government, and his great opponent, Sir Robert Peel, gave their unqualified support to the measure. The result was that an amendment proposed by Mr. Herries in favour of the disallowance of the act was defeated by a majority of 141.

This action of the imperial authorities had the effect of strengthening the public sentiment in Canada in support of Lord Elgin and his advisers. The government set to work vigorously to carry out the provisions of the law, appointing the same commissioners as had acted under the previous ministry, and was able in a very short time to settle definitely this very disturbing question. It was deemed inexpedient, however, to keep the seat of government at Montreal. After a very full and anxious consideration of the question, it was decided to act on the recommendation of the legislature that it should thereafter meet alternately at Toronto and Quebec, and that the next session should be held at Toronto in accordance with this arrangement. This "perambulating system" was tried for several years, but it proved so inconvenient and expensive that the legislature in 1858 passed an address to Her

Majesty praying her to choose a permanent capital. The place selected was the city of Ottawa, on account of its situation on the frontier of the two provinces, the almost equal division of its population into French and English, its remoteness from the American borders, and consequently its comparative security in time of war. Some years later it became the capital of the Dominion of Canada—the confederation of provinces and territories extending across the continent.

In the autumn of 1849 Lord Elgin made a tour of the western part of the province of Upper Canada for the purpose of obtaining some expression of opinion from the people in the very section where the British feeling was the strongest. On this occasion he was attended only by an aide-de-camp and a servant, as an answer to those who were constantly assailing him for want of courage. Here and there, as he proceeded west, after leaving French Canada, he was insulted by a few Orangemen, notably by Mr. Ogle R. Gowan, who appeared on the wharf at Brockville with a black flag, but apart from such feeble exhibitions of political spite he met with a reception, especially west of Toronto, which proved beyond cavil that the heart and reason of the country, as a whole, were undoubtedly in his favour, and that nowhere was there any actual sympathy with the unhappy disturbances in Montreal. He had also the gratification soon after his return from this pleasant

tour to receive from the British government an official notification that he had been raised to the British peerage under the title of Baron Elgin of Elgin in recognition of his distinguished services to the Crown and empire in America.

But it was a long time before Lord Elgin was forgiven by a small clique of politicians for the part he had taken in troubles which ended in their signal discomfiture. The political situation continued for a while to be aggravated by the serious commercial embarrassment which existed throughout the country, and led to the circulation of a manifesto, signed by leading merchants and citizens of Montreal, urging as remedies for the prevalent depression a revival of colonial protection by England, reciprocal free trade with the United States, a federal union or republic of British North America, and even annexation to the neighbouring states as a last resort. This document did not suggest rebellion or a forceable separation from England. It even professed affection for the home land; but it encouraged the idea that the British government would doubtless yield to any colonial pressure in this direction when it was convinced that the step was beyond peradventure in the interest of the dependency. The manifesto represented only a temporary phase of sentiment and is explained by the fact that some men were dissatisfied with the existing condition of things and ready for any change whatever. The movement found no active or general response

among the great mass of thinking people; and it was impossible for the Radicals of Lower Canada to persuade their compatriots that their special institutions, so dear to their hearts, could be safely entrusted to their American republican neighbours. All the men who, in the thoughtlessness of youth or in a moment of great excitement, signed the manifesto—notably the Molsons, the Redpaths, Luther H. Holton, John Rose, David Lewis MacPherson, A. A. Dorion, E. Goff Penny—became prominent in the later public and commercial life of British North America, as ministers of the Crown, judges, senators, millionaires, and all devoted subjects of the British sovereign.

When Lord Elgin found that the manifesto contained the signatures of several persons holding office by commission from the Queen, he made an immediate inquiry into the matter, and gave expression to the displeasure of the Crown by removing from office those who confessed that they had signed the objectionable document, or declined to give any answer to the queries he had addressed to them. His action on this occasion was fully justified by the imperial government, which instructed him "to resist to the utmost any attempt that might be made to bring about a separation of Canada from the British dominions." But while Lord Elgin, as the representative of the Queen, was compelled by a stern sense of duty to condemn such acts of infidelity to the empire, he did not conceal from

himself that there was a great deal in the economic conditions of the provinces which demanded an immediate remedy before all reason for discontent could disappear. He did not fail to point out to Lord Grey that it was necessary to remove the causes of the public irritation and uneasiness by the adoption of measures calculated to give a stimulus to Canadian industry and commerce. "Let me then assure your Lordship," he wrote in November 1849, "and I speak advisedly in offering this assurance, that the dissatisfaction now existing in Canada, whatever may be the forms with which it may clothe itself, is due mainly to commercial causes. I do not say that there is no discontent on political grounds. Powerful individuals and even classes of men are, I am well aware, dissatisfied with the conduct of affairs. But I make bold to affirm that so general is the belief that, under the present circumstances of our commercial condition, the colonists pay a heavy pecuniary fine for their fidelity to Great Britain, that nothing but the existence of an unwonted degree of political contentment among the masses has prevented the cry for annexation from spreading like wildfire through the province." He then proceeded again to press upon the consideration of the government the necessity of following the removal of the imperial restrictions upon navigation and shipping in the colony, by the establishment of a reciprocity of trade between the United States and the British North American

Provinces. The change in the navigation laws took place in 1849, but it was not possible to obtain larger trade with the United States until several years later, as we shall see in a future chapter when we come to review the relations between that country and Canada.

Posterity has fully justified the humane, patient and discreet constitutional course pursued by Lord Elgin during one of the most trying ordeals through which a colonial governor ever passed. He had the supreme gratification, however, before he left the province, of finding that his policy had met with that success which is its best eulogy and justification. Two years after the events of 1849, he was able to write to England that he did not believe that "the function of the governor-general under constitutional government as the moderator between parties, the representative of interests which are common to all the inhabitants of the country, as distinct from those that divide them into parties, was ever so fully and so frankly recognized." He was sure that he could not have achieved such results if he had had blood upon his hands. His business was "to humanize, not to harden." One of Canada's ablest men—not then in politics—had said to him: "Yes, I see it all now, you were right, a thousand times right, though I thought otherwise then. I own that I would have reduced Montreal to ashes before I would have endured half of what you did," and he added, "I should have been justified, too."

"Yes," answered Lord Elgin, "you would have been justified because your course would have been perfectly defensible; but it would not have been the best course. Mine was a better one." And the result was this, in his own words: "700,000 French reconciled to England, not because they are getting rebel money; I believe, indeed that no rebels will get a farthing; but because they believe that the British governor is just. 'Yes,' but you may say, 'this is purchased by the alienation of the British.' Far from it, I took the whole blame upon myself; and I will venture to affirm that the Canadian British were never so loyal as they are at this hour; [this was, remember, two years after the burning of Parliament House] and, what is more remarkable still, and more directly traceable to this policy of forbearance, never, since Canada existed, has party spirit been more moderate, and the British and French races on better terms than they are now; and this in spite of the withdrawal of protection, and of the proposal to throw on the colony many charges which the imperial government has hitherto borne."

Canadians at the beginning of the twentieth century may also say as Lord Elgin said at the close of this letter, *Magna est Veritas.*

CHAPTER V

THE END OF THE LAFONTAINE-BALDWIN MINISTRY, 1851

THE LaFontaine-Baldwin government remained in office until October, 1851, when it was constitutionally dissolved by the retirement of the prime minister soon after the resignation of his colleague from Upper Canada, whose ability as a statesman and integrity as a man had given such popularity to the cabinet throughout the country. It has been well described by historians as "The Great Ministry." During its existence Canada obtained a full measure of self-government in all provincial affairs. Trade was left perfectly untrammeled by the repeal in June, 1849, of the navigation laws, in accordance with the urgent appeals of the governor-general to the colonial secretary. The immediate results were a stimulus to the whole commerce of the province, and an influx of shipping to the ports of the St. Lawrence. The full control of the post-office was handed over to the Canadian government. This was one of the most popular concessions made to the Canadian people, since it gave them opportunities for cheaper circulation of letters and newspapers, so necessary in a new and sparsely settled country, where the people were

separated from each other in many districts by long distances. One of the grievances of the Canadians before the union had been the high postage imposed on letters throughout British North America. The poor settlers were not able to pay the three or four shillings, and even more, demanded for letters mailed from their old homes across the sea, and it was not unusual to find in country post-offices a large accumulation of dead letters, refused on account of the expense. The management of the postal service by imperial officers was in every way most unsatisfactory; it was chiefly carried on for the benefit of a few persons, and not for the convenience or consolation of the many who were always anxious for news of their kin in the "old country." After the union there was a little improvement in the system, but it was not really administered in the interests of the Canadian people until it was finally transferred to the colonial authorities. When this desirable change took place, an impulse was soon given to the dissemination of letters and newspapers. The government organized a post-office department, of which the head was a postmaster-general with a seat in the cabinet.

Other important measures made provision for the introduction of the decimal system into the provincial currency, the taking of a census every ten years, the more satisfactory conduct of parliamentary elections and the prevention of corruption, better facilities for the administration of justice in

the two provinces, the abolition of primogeniture with respect to real estate in Upper Canada, and the more equitable division of property among the children of an intestate, based on the civil law of French Canada and old France.

Education also continued to show marked improvement in accordance with the wise policy adopted since 1841. Previous to the union popular education had been at a very low ebb, although there were a number of efficient private schools in all the provinces where the children of the well-to-do classes could be taught classics and many branches of knowledge. In Lower Canada not one-tenth of the children of the *habitants* could write, and only one-fifth could read. In Upper Canada the schoolmasters as a rule, according to Mrs. Anna Jameson,[1] were "ill-fed, ill-clothed, ill-paid, or not paid at all." In the generality of cases they were either Scotsmen or Americans, totally unfit for the positions they filled. As late as 1833 Americans or anti-British adventurers taught in the greater proportion of the schools, where the pupils used United States text-books replete with sentiments hostile to England—a wretched state of things stopped by legislation only in 1846. Year by year after the union improvements were made in the school system, with the object of giving every possible educational facility to rich and poor alike.

[1] See her "Winter Studies and Summer Rambles in Canada." London, 1838.

In the course of time elementary education became practically free. The success of the system in the progressive province of Upper Canada largely rested on the public spirit of the municipalities. It was engrafted on the municipal institutions of each county, to which provincial aid was given in proportion to the amount raised by local assessment. The establishment of normal schools and public libraries was one of the useful features of school legislation in those days. The merits of the system naturally evoked the sympathy and praise of the governor-general, who was deeply interested in the intellectual progress of the country. The development of "individual self-reliance and local exertion under the superintendence of a central authority exercising an influence almost exclusively moral is the ruling principle of the system."

Provision was also made for the imparting of religious instruction by clergymen of the several religious denominations recognized by law, and for the establishment of separate schools for Protestants or Roman Catholics whenever there was a necessity for them in any local division. On the question of religious instruction Lord Elgin always entertained strong opinions. After expressing on one occasion his deep gratification at the adoption of legislation which had "enabled Upper Canada to place itself in the van among the nations in the important work of providing an efficient system of education for the whole community," he pro-

ceeded to commend the fact that "its foundation was laid deep in the framework of our common Christianity." He showed then how strong was the influence of the moral sense in his character: "While the varying opinions of a mixed religious society are scrupulously respected . . . . it is confidently expected that every child who attends our common schools shall learn there that he is a being who has an interest in eternity as well as in time; that he has a Father towards whom he stands in a closer and more affecting and more endearing relationship than to any earthly father, and that that Father is in heaven." But since the expression of these emphatic opinions the tendency of legislation in the majority of the provinces—but not in French Canada, where the Roman Catholic clergy still largely control their own schools—has been to encourage secular and not religious education. It would be instructive to learn whether either morality or Christianity has been the gainer.

It is only justice to the memory of a man who died many years after he saw the full fruition of his labours to say that Upper Canada owes a debt of gratitude to the Rev. Egerton Ryerson for his services in connection with its public school system. He was far from being a man of deep knowledge or having a capacity for expressing his views with terseness or clearness. He had also a large fund of personal vanity which made him sometimes a busybody when

inaction or silence would have been wiser for himself. We can only explain his conduct in relation to the constitutional controversy between Lord Metcalfe and the Liberal party by the supposition that he could not resist the blandishments of that eminent nobleman, when consulted by him, but allowed his reason to be captured and then gave expression to opinions and arguments which showed that he had entirely misunderstood the seriousness of the political crisis or the sound practice of the parliamentary system which Baldwin, LaFontaine and Howe had so long laboured to establish in British North America. The books he wrote can never be read with profit or interest. His "History of the United Empire Loyalists" is probably the dullest book ever compiled by a Canadian, and makes us thankful that he was never able to carry out the intention he expressed in a letter to Sir Francis Hincks of writing a constitutional history of Canada. But though he made no figure in Canadian letters, and was not always correct in his estimate of political issues, he succeeded in making for himself a reputation for public usefulness in connection with the educational system of Upper Canada far beyond that of the majority of his Canadian contemporaries.

The desire of the imperial and Canadian governments to bury in oblivion the unhappy events of 1837 and 1838 was very emphatically impressed by the concession of an amnesty in 1849 to all

the persons who had been engaged in the rebellions. In the time of Lord Metcalfe, Papineau, Nelson, and other rebels long in exile, had been allowed to return to Canada either by virtue of special pardons granted by the Crown under the great seal, or by the issue of writs of *nolle prosequi*. The signal result of the Amnesty Act passed in 1849 by the Canadian legislature, in accordance with the recommendation in the speech from the throne, was the return of William Lyon Mackenzie, who had led an obscure and wretched life in the United States ever since his flight from Upper Canada in 1837, and had gained an experience which enabled him to value British institutions more highly than those of the republic.

An impartial historian must always acknowledge the fact that Mackenzie was ill-used by the family compact and English governors during his political career before the rebellion, and that he had sound views of constitutional government which were well worthy of the serious consideration of English statesmen. In this respect he showed more intelligence than Papineau, who never understood the true principles of parliamentary government, and whose superiority, compared with the little, pugnacious Upper Canadian, was the possession of a stately presence and a gift of fervid eloquence which was well adapted to impress and carry away his impulsive and too easily deceived countrymen. If Mackenzie had shown more control of his

temper and confined himself to such legitimate constitutional agitation as was stirred up by a far abler man, Joseph Howe, the father of responsible government in the maritime provinces, he would have won a far higher place in Canadian history. He was never a statesman; only an agitator who failed entirely throughout his passionate career to understand the temper of the great body of Liberals—that they were in favour not of rebellion but of such a continuous and earnest enunciation of their constitutional principles as would win the whole province to their opinions and force the imperial government itself to make the reforms imperatively demanded in the public interests.[1] But, while we cannot recognize in him the qualities of a safe political leader, we should do justice to that honesty of purpose and that spirit of unselfishness which placed him on a far higher plane than many of those men who belonged to the combination derisively called the "family compact," and who never showed a willingness to consider other interests than their own. Like Papineau, Mackenzie became a member of the provincial legislature, but only to give additional evidence that he

[1] "I am inclined," wrote Lord Durham, "to view the insurrectionary movements which did take place as indicative of no deep-rooted disaffection, and to believe that almost the entire body of the reformers of this province sought only by constitutional means to attain those objects for which they had so long peaceably struggled before the unhappy troubles occasioned by the violence of a few unprincipled adventurers and heated enthusiasts."

did not possess the capacity for discreet, practical statesmanship possessed by Hincks and Baldwin and other able Upper Canadians who could in those days devote themselves to the public interests with such satisfactory results to the province at large.

It was Baldwin who, while a member of the ministry, succeeded in carrying the measure which created the University of Toronto, and placed it on the broad basis on which it has rested ever since. His measure was the result of an agitation which had commenced before the union. Largely through the influence of Dr. Strachan, the first Anglican bishop of Upper Canada, Sir Peregrine Maitland, when lieutenant-governor, had been induced to grant a charter establishing King's College "at or near York" (Toronto), with university privileges. Like old King's in Nova Scotia, established before the beginning of the century, it was directly under the control of the Church of England, since its governing body and its professors had to subscribe to its thirty-nine articles. It received an endowment of the public lands available for educational purposes in the province, and every effort was made to give it a provincial character though conducted entirely on sectarian principles. The agitation which eventually followed its establishment led to some modifications in its character, but, for all that, it remained practically under the direction of the Anglican bishop and clergy,

and did not obtain the support or approval of any dissenters. After the union a large edifice was commenced in the city of Toronto, on the site where the legislative and government buildings now stand, and an energetic movement was made to equip it fully as a university.

When the Draper-Viger ministry was in office, it was proposed to meet the growing opposition to the institution by establishing a university which should embrace three denominational colleges—King's College, Toronto, for the Church of England, Queen's College, Kingston, for the Presbyterians, and Victoria College, Cobourg, for the Methodists—but the bishop and adherents of the Anglican body strenuously opposed the measure, which failed to pass in a House where the Tories were in the ascendant. Baldwin had himself previously introduced a bill of a similar character as a compromise, but it had failed to meet with any support, and when he came into office he saw that he must go much further and establish a non-sectarian university if he expected to carry any measure on the subject in the legislature. The result was the establishment of the University of Toronto, on a strictly undenominational foundation. Bishop Strachan was deeply incensed at what he regarded as a violation of vested rights of the Church of England in the University of King's College, and never failed for years to style the provincial institution "the Godless university." In this as in other matters he

failed to see that the dominant sentiment of the country would not sustain any attempt on the part of a single denomination to control a college which obtained its chief support from public aid. Whilst every tribute must be paid to the zeal, energy, and courage of the bishop, we must at the same time recognize the fact that his former connection with the family compact and his inability to understand the necessity of compromise in educational and other matters did much injury to a great church.

He succeeded unfortunately in identifying it with the unpopular and aristocratic party, opposed to the extension of popular government and the diffusion of cheap education among all classes of people. With that indomitable courage which never failed him at a crisis he set to work to advance the denomination whose interests he had always at heart, and succeeded by appeals to English aid in establishing Trinity College, which has always occupied a high position among Canadian universities, although for a while it failed to arouse sympathy in the public mind, until the feelings which had been evoked in connection with the establishment of King's had passed away. An effort is now (1901) being made to affiliate it with the same university which the bishop had so obstinately and bitterly opposed, in the hope of giving it larger opportunities for usefulness. Its complete success of late has been impeded by the want of adequate funds to maintain those departments of scientific instruction

now imperatively demanded in modern education. When this affiliation takes place, the friends of Trinity, conversant with its history from its beginning, believe that the portrait of the old bishop, now hanging on the walls of Convocation Hall, should be covered with a dark veil, emblematic of the sorrow which he would feel were he to return to earth and see what to him would be the desecration of an institution which he built as a great remonstrance against the spoliation of the church in 1849.

The La Fontaine-Baldwin ministry also proved itself fully equal to the demands of public opinion by its vigorous policy with respect to the colonization of the wild lands of the province, the improvement of the navigation of the St. Lawrence, and the construction of railways. Measures were passed which had the effect of opening up and settling large districts by the offer of grants of public land at a nominal price and very easy terms of payment. In this way the government succeeded in keeping in the country a large number of French Canadians who otherwise would have gone to the United States, where the varied industries of a very enterprising people have always attracted a large number of Canadians of all classes and races.

The canals were at last completed in accordance with the wise policy inaugurated after the union by Lord Sydenham, whose commercial instincts at once recognized the necessity of giving western

trade easy access to the ocean by the improvement of the great waterways of Canada. It had always been the ambition of the people of Upper Canada before the union to obtain a continuous and secure system of navigation from the lakes to Montreal. The Welland Canal between Lakes Erie and Ontario was commenced as early as 1824 through the enterprise of Mr. William Hamilton Merritt—afterwards a member of the LaFontaine-Baldwin ministry—and the first vessel passed its locks in 1829; but it was very badly managed, and the legislature, after having aided it from time to time, was eventually obliged to take control of it as a provincial work. The Cornwall Canal was also undertaken at an early day, but work had to be stopped when it became certain that the legislature of Lower Canada, then controlled by Papineau, would not respond to the aspirations of the west and improve that portion of the St. Lawrence within its provincial jurisdiction.

Governor Haldimand had, from 1779-1782, constructed a very simple temporary system of canals to overcome the rapids called the Cascades, Cedars and Côteau, and some slight improvements were made in these primitive works from year to year until the completion of the Beauharnois Canal in 1845. The Lachine Canal was completed, after a fashion, in 1828, but nothing was done to give a continuous river navigation between Montreal and the west until 1845, when the Beauharnois Canal was first

opened. The Rideau Canal originated in the experiences of the war of 1812-14, which showed the necessity of a secure inland communication between Montreal and the country on Lake Ontario; but though first constructed for defensive purposes, it had for years decided commercial advantages for the people of Upper Canada, especially of the Kingston district. The Grenville Canal on the Ottawa was the natural continuation of this canal, as it ensured uninterrupted water communication between Bytown—now the city of Ottawa—and Montreal.

The heavy public debt contracted by Upper Canada prior to 1840 had been largely accumulated by the efforts of its people to obtain the active sympathy and coöperation of the legislature of French Canada, where Papineau and his followers seemed averse to the development of British interests in the valley of the St. Lawrence. After the union, happily for Canada, public men of all parties and races awoke to the necessity of a vigorous canal policy, and large sums of money were annually expended to give the shipping of the lakes safe and continuous navigation to Montreal. At the same time the channel of Lake St. Peter between Montreal and Quebec was improved by the harbour commissioners of the former city, aided by the government. Before the LaFontaine-Baldwin cabinet left office, it was able to see the complete success of this thoroughly Canadian

or national policy. The improvement of this canal system—now the most magnificent in the world—has kept pace with the development of the country down to the present time.

It was mainly, if not entirely, through the influence of Hincks, finance minister in the government, that a vigorous impulse was given to railway construction in the province. The first railroad in British North America was built in 1837 by the enterprise of Montreal capitalists, from La Prairie on the south side of the St. Lawrence as far as St. Johns on the Richelieu, a distance of only sixteen miles. The only railroad in Upper Canada for many years was a horse tramway, opened in 1839 between Queenston and Chippewa by the old portage road round the falls of Niagara. In 1845 the St. Lawrence and Atlantic Railway Company—afterwards a portion of the Grand Trunk Railway—obtained a charter for a line to connect with the Atlantic and St. Lawrence Railway Company of Portland, in the State of Maine. The year 1846 saw the commencement of the Lachine Railway. In 1849 the Great Western, the Northern, and the St. Lawrence and Atlantic Railways were stimulated by legislation which gave a provincial guarantee for the construction of lines not less than seventy-five miles in length. In 1851 Hincks succeeded in passing a measure which provided for the building of a great trunk line connecting Quebec with the western limits of

Upper Canada. It was hoped at first that this road would join the great military railway contemplated between Quebec and Halifax, and then earnestly advocated by Howe and other public men of the maritime provinces with the prospect of receiving aid from the imperial government. If these railway interests could be combined, an intercolonial railroad would be constructed from the Atlantic seaboard to the lakes, and a great stimulus given not merely to the commerce but to the national unity of British North America. In case, however, this great idea could not be realized, it was the intention of the Canadian government to make every possible exertion to induce British capitalists to invest their money in the great trunk line by a liberal offer of assistance from the provincial exchequer, and the municipalities directly interested in its construction.

The practical result of Hincks's policy was the construction of the Grand Trunk Railway of Canada, not by public aid as originally proposed, but by British capitalists. The greater intercolonial scheme failed in consequence of the conflict of rival routes in the maritime provinces, and the determination of the British government to give its assistance only to a road that would be constructed at a long distance from the United States frontier, and consequently available for military and defensive purposes—in fact such a road as was actually built after the confederation of the provinces with

the aid of an imperial guarantee. The history of the negotiations between the Canadian government and the maritime provinces with respect to the intercolonial scheme is exceedingly complicated. An angry controversy arose between Hincks and Howe; the latter always accused the former of a breach of faith, and of having been influenced by a desire to promote the interests of the capitalists concerned in the Grand Trunk without reference to those of the maritime provinces. Be that as it may, we know that Hincks left the wordy politicians of Nova Scotia and New Brunswick to quarrel over rival routes, and, as we shall see later, went ahead with the Grand Trunk, and had it successfully completed many years before the first sod on the Intercolonial route was turned.

In addition to these claims of the LaFontaine-Baldwin government to be considered "a great ministry," there is the fact that, through the financial ability of Hincks, the credit of the province steadily advanced, and it was at last possible to borrow money in the London market on very favourable terms. The government entered heartily into the policy of Lord Elgin with respect to reciprocity with the United States, and the encouragement of trade between the different provinces of British North America. It was, however, unable to dispose of two great questions which had long agitated the province—the abolition of the seigniorial tenure, which was antagonistic to settle-

ment and colonization, and the secularization of the clergy reserves, granted to the Protestant clergy by the Constitutional Act of 1791. These questions will be reviewed at some length in later chapters, and all that it is necessary to say here is that, while the LaFontaine-Baldwin cabinet supported preliminary steps that were taken in the legislature for the purpose of bringing about a settlement of these vexatious subjects, it never showed any earnest desire to take them up as parts of its ministerial policy, and remove them from political controversy.

Indeed it is clear that LaFontaine's conservative instincts, which became stronger with age and experience of political conditions, forced him to proceed very slowly and cautiously with respect to a movement that would interfere with a tenure so deeply engrafted in the social and economic structure of his own province, while as a Roman Catholic he was at heart always doubtful of the justice of diverting to secular purposes those lands which had been granted by Great Britain for the support of a Protestant clergy. Baldwin was also slow to make up his mind as to the proper disposition of the reserves, and certainly weakened himself in his own province by his reluctance to express himself distinctly with respect to a land question which had been so long a grievance and a subject of earnest agitation among the men who supported him in and out of the legislature. Indeed when he presented himself for

the last time before his constituents in 1857, he was emphatically attacked on the hustings as an opponent of the secularization of the reserves for refusing to give a distinct pledge as to the course he would take on the question. This fact, taken in connection with his previous utterances in the legislature, certainly gives force to the opinion which has been more than once expressed by Canadian historians that he was not prepared, any more than LaFontaine himself, to divert funds given for an express purpose to one of an entirely different character. Under these circumstances it is easy to come to the conclusion that the LaFontaine-Baldwin ministry was not willing at any time to make these two questions parts of its policy—questions on which it was ready to stand or fall as a government.

The first step towards the breaking up of the ministry was the resignation of Baldwin following upon the support given by a majority of the Reformers in Upper Canada to a motion presented by William Lyon Mackenzie for the abolition of the court of chancery and the transfer of its functions to the courts of common law. The motion was voted down in the House, but Baldwin was a believer in the doctrine that a minister from a particular province should receive the confidence and support of the majority of its representatives in cases where a measure affected its interests exclusively. He had taken some pride in the passage of

the act which reorganized the court, reformed old abuses in its practice, and made it, as he was convinced, useful in litigation; but when he found that his efforts in this direction were condemned by the votes of the very men who should have supported him in the province affected by the measure, he promptly offered his resignation, which was accepted with great reluctance not only by LaFontaine but by Lord Elgin, who had learned to admire and respect this upright, unselfish Canadian statesman. A few months later he was defeated at an election in one of the ridings of York by an unknown man, largely on account of his attitude on the question of the clergy reserves. He never again offered himself for parliament, but lived in complete retirement in Toronto, where he died in 1858. Then the people whom he had so long faithfully served, after years of neglect, became conscious that a true patriot had passed away.

LaFontaine placed his resignation in the hands of the governor-general, who accepted it with regret. No doubt the former had deeply felt the loss of his able colleague, and was alive to the growing belief among the Liberal politicians of Upper Canada that the government was not proceeding fast enough in carrying out the reforms which they considered necessary. LaFontaine had become a Conservative as is usual with men after some experience of the responsibilities of public administration, and probably felt that he had

better retire before he lost his influence with his party, and before the elements of disintegration that were forming within it had fully developed. After his retirement he returned to the practice of law, and in 1853 he became chief justice of the court of appeal of Lower Canada on the death of Sir James Stuart. At the same time he received from the Crown the honour of a baronetcy, which was also conferred on the chief justice of Upper Canada, Sir John Beverley Robinson.

Political historians justly place LaFontaine in the first rank of Canadian statesmen on account of his extensive knowledge, his sound judgment, his breadth of view, his firmness in political crises, and above all his desire to promote the best interests of his countrymen on those principles of compromise and conciliation which alone can bind together the distinct nationalities and creeds of a country peopled like Canada. As a judge he was dignified, learned and impartial. His judicial decisions were distinguished by the same lucidity which was conspicuous in his parliamentary addresses. He died ten years later than the great Upper Canadian, whose honoured name must be always associated with his own in the annals of a memorable epoch, when the principles of responsible government were at last, after years of perplexity and trouble, carried out in their entirety, and when the French Canadians had come to recognize as a truth that under no other system would it have been possible for them

to obtain that influence in the public councils to which they were fully entitled, or to reconcile and unite the diverse interests of a great province, divided by the Ottawa river into two sections, the one French and Roman Catholic, and the other English and Protestant.

CHAPTER VI

THE HINCKS-MORIN MINISTRY

WHEN LaFontaine resigned the premiership the ministry was dissolved and it was necessary for the governor-general to choose his successor. After the retirement of Baldwin, Hincks and his colleagues from Upper Canada were induced to remain in the cabinet and the latter became the leader in that province. He was endowed with great natural shrewdness, was deeply versed in financial and commercial matters, had a complete comprehension of the material conditions of the province, and recognized the necessity of rapid railway construction if the people were to hold their own against the competition of their very energetic neighbours to the south. His ideas of trade, we can well believe, recommended themselves to Lord Elgin, who saw in him the very man he needed to help him in his favourite scheme of bringing about reciprocity with the United States. At the same time he was now the most prominent man in the Liberal party so long led by Baldwin and LaFontaine, and the governor-general very properly called upon him to reconstruct the ministry. He assumed the responsibility and formed the government known in the political history of

Canada as the Hincks-Morin ministry; but before we consider its *personnel* and review its measures, it is necessary to recall the condition of political parties at the time it came into power.

During the years Baldwin and LaFontaine were in office, the politics of the province were in the process of changes which eventually led to important results in the state of parties. The *Parti Rouge* was formed in Lower Canada out of the extreme democratic element of the people by Papineau, who, throughout his parliamentary career since his return from exile, showed the most determined opposition to LaFontaine, whose measures were always distinguished by a spirit of conservatism, decidedly congenial to the dominant classes in French Canada where the civil and religious institutions of the country had much to fear from the promulgation of republican principles.

The new party was composed chiefly of young Frenchmen, then in the first stage of their political growth—notably A. A. Dorion, J. B. E. Dorion *(l'enfant terrible)*, R. Doutre, Dessaules, Labrèche, Viger, and Laflamme; L. H. Holton, and a very few men of British descent were also associated with the party from its commencement. Its organ was *L'Avenir* of Montreal, in which were constantly appearing violent diatribes and fervid appeals to national prejudice, always peculiar to French Canadian journalism. It commenced with a programme in which it advocated universal suffrage,

the abolition of property qualification for members of the legislature, the repeal of the union, the abolition of tithes, a republican form of government, and even, in a moment of extreme political aberration, annexation to the United States. It was a feeble imitation of the red republicanism of the French revolution, and gave positive evidences of the inspiration of the hero of the fight at St. Denis in 1837. Its platform was pervaded not only by hatred of British institutions, but with contempt for the clergy and religion generally. Its revolutionary principles were at once repudiated by the great mass of French Canadians and for years it had but a feeble existence. It was only when its leading spirits reconstructed their platform and struck out its most objectionable planks, that it became something of a factor in practical Canadian politics. In 1851 it was still insignificant numerically in the legislature, and could not affect the fortunes of the Liberal party in Lower Canada then distinguished by the ability of A. N. Morin, P. J. O. Chauveau, R. E. Caron, E. P. Taché, and L. P. Drummond. The recognized leader of this dominant party was Morin, whose versatile knowledge, lucidity of style, and charm of manner gave him much strength in parliament. His influence, however, as I have already said, was too often weakened by an absence of energy and of the power to lead at national or political crises.

Parties in Upper Canada also showed the signs

of change. The old Tory party had been gradually modifying its opinions under the influence of responsible government, which showed its wisest members that ideas that prevailed before the union had no place under the new, progressive order of things. This party, nominally led by Sir Allan MacNab, that staunch old loyalist, now called itself Conservative, and was quite ready, in fact anxious, to forget the part it took in connection with the rebellion losses legislation, and to win that support in French Canada without which it could not expect to obtain office. The ablest man in its councils was already John Alexander Macdonald, whose political sagacity and keenness to seize political advantages for the advancement of his party, were giving him the lead among the Conservatives. The Liberals had shown signs of disintegration ever since the formation of the "Clear Grits," whose most conspicuous members were Peter Perry, the founder of the Liberal party in Upper Canada before the union; William McDougall, an eloquent young lawyer and journalist; Malcolm Cameron, who had been assistant commissioner of public works in the LaFontaine-Baldwin government; Dr. John Rolph, one of the leaders of the movement that ended in the rebellion of 1837; Caleb Hopkins, a western farmer of considerable energy and natural ability; David Christie, a well-known agriculturist; and John Leslie, the proprietor of the Toronto *Examiner*,

the chief organ of the new party. It was organized as a remonstrance against what many men in the old Liberal party regarded as the inertness of their leaders to carry out changes considered necessary in the political interests of the country. Its very name was a proof that its leaders believed there should be no reservation in the opinion held by their party—that there must be no alloy or foreign metal in their political coinage, but it must be clear Grit. Its platform embraced many of the cardinal principles of the original Reform or Liberal party, but it also advocated such radical changes as the application of the elective principle to all classes of officials (including the governor-general), universal suffrage, vote by ballot, biennial parliaments, the abolition of the courts of chancery and common pleas, free trade and direct taxation.

The Toronto *Globe*, which was for a short time the principal exponent of ministerial views, declared that many of the doctrines enunciated by the Clear Grits "embody the whole difference between a republican form of government and the limited monarchy of Great Britain." *The Globe* was edited by George Brown, a Scotsman by birth, who came with his father in his youth to the western province and entered into journalism, in which he attained eventually signal success by his great intellectual force and tenacity of purpose. His support of the LaFontaine-Baldwin ministry gradually dropped from a moderate enthusiasm to a positive

coolness, from its failure to carry out the principles urged by *The Globe*—especially the secularization of the clergy reserves. Then he commenced to raise the cry of French domination and to attack the religion and special institutions of French Canada with such virulence that at last he became "a governmental impossibility," so far as the influence of that province was concerned. He supported the Clear Grits in the end, and became their recognized leader when they gathered to themselves all the discontented and radical elements of the Liberal party which had for some years been gradually splitting into fragments. The power of the Clear Grits was first shown in 1851, when William Lyon Mackenzie succeeded in obtaining a majority of Reformers in support of his motion for the abolition of the court of chancery, and forced the retirement of Baldwin, whose conservatism had gradually brought him into antagonism with the extremists of his old party.

Although relatively small in numbers in 1851, the Clear Grits had the ability to do much mischief, and Hincks at once recognized the expediency of making concessions to their leaders before they demoralized or ruined the Liberal party in the west. Accordingly, he invited Dr. Rolph and Malcolm Cameron to take positions in the new ministry. They consented on condition that the secularization of the clergy reserves would be a part of the ministerial policy. Hincks then

presented the following names to the governor-general:

Upper Canada.—Hon. F. Hincks, inspector-general; Hon. W. B. Richards, attorney-general of Upper Canada; Hon. Malcolm Cameron, president of the executive council; Hon. John Rolph, commissioner of crown lands; Hon. James Morris, postmaster-general.

Lower Canada.—Hon. A. N. Morin, provincial secretary; Hon. L. P. Drummond, attorney-general of Lower Canada; Hon. John Young, commissioner of public works; Hon. R. E. Caron, president of legislative council; Hon. E. P. Taché, receiver-general.

Later, Mr. Chauveau and Mr. John Ross were appointed solicitors-general for Lower and Upper Canada, without seats in the cabinet.

Parliament was dissolved in November, when it had completed its constitutional term of four years, and the result of the elections was the triumph of the new ministry. It obtained a large majority in Lower Canada, and only a feeble support in Upper Canada. The most notable acquisition to parliament was George Brown, who had been defeated previously in a bye-election of the same year by William Lyon Mackenzie, chiefly on account of his being most obnoxious to the Roman Catholic voters. He was assuming to be the Protestant champion in journalism, and had made a violent attack on the Roman Catholic faith on the occasion of the appointment

of Cardinal Wiseman as Archbishop of Westminster, an act denounced by extreme Protestants throughout the British empire as an unconstitutional and dangerous interference by the Pope with the dearest rights of Protestant England. As soon as Brown entered the legislature he defined his political position by declaring that, while he saw much to condemn in the formation of the ministry and was dissatisfied with Hincks's explanations, he preferred giving it for the time being his support rather than seeing the government handed over to the Conservatives. As a matter of fact, he soon became the most dangerous adversary that the government had to meet. His style of speaking —full of facts and bitterness—and his control of an ably conducted and widely circulated newspaper made him a force in and out of parliament. His aim was obviously to break up the new ministry, and possibly to ensure the formation of some new combination in which his own ambition might be satisfied. As we shall shortly see, his schemes failed chiefly through the more skilful strategy of the man who was always his rival—his successful rival —John A. Macdonald.

During its existence the Hincks-Morin ministry was distinguished by its energetic policy for the promotion of railway, maritime and commercial enterprises. It took the first steps to stimulate the establishment of a line of Atlantic steamers by the offer of a considerable subsidy for the carriage of

mails between Canada and Great Britain. The first contract was made with a Liverpool firm, McKean, McLarty & Co., but the service was not satisfactorily performed, owing, probably—according to Hincks—to the war with Russia, and it was necessary to make a new arrangement with the Messrs. Allan, which has continued, with some modification, until the present time.

The negotiations for the construction of an intercolonial railway having failed for the reasons previously stated, (p. 100), Hincks made successful applications to English capitalists for the construction of the great road always known as the Grand Trunk Railway of Canada. It obtained a charter authorizing it to consolidate the lines from Quebec to Richmond, from Quebec to Rivière du Loup, and from Toronto to Montreal, which had received a guarantee of $3,000 a mile in accordance with the law passed in 1851. It also had power to build the Victoria bridge across the St. Lawrence at Montreal, and lease the American line to Portland. By 1860, this great national highway was completed from Rivière du Loup on the lower St. Lawrence as far as Sarnia and Windsor on the western lakes. Its early history was notorious for much jobbery, and the English shareholders lost the greater part of the money which they invested in this Canadian undertaking.[1] It cost the province

[1] For a succinct history of this road see "Eighty Years' Progress of British North America," Toronto, 1863.

from first to last upwards of $16,000,000 but it was, on the whole, money expended in the interests of the country, whose internal development would have been very greatly retarded in the absence of rapid means of transit between east and west. The government also gave liberal aid to the Great Western Railway, which extended from the Niagara river to Hamilton, London and Windsor, and to the Northern road, which extended north from Toronto, both of which, many years later, became parts of the Grand Trunk system.

In accordance with its general progressive policy, the Hincks-Morin ministry passed through the legislature an act empowering municipalities in Upper Canada, after the observance of certain formalities, to borrow money for the building of railways by the issue of municipal debentures guaranteed by the provincial government. Under this law a number of municipalities borrowed large sums to assist railways and involved themselves so heavily in debt that the province was ultimately obliged to come to their assistance and assume their obligations. For years after the passage of this measure, Lower Canada received the same privileges, but the people of that province were never carried away by the enthusiasm of the west and never burdened themselves with debts which they were unable to pay. The law, however, gave a decided impulse at the outset to railway enterprise in Upper Canada, and would have been a positive public

advantage had it been carried out with some degree of caution.

The government established a department of agriculture to which were given control of the taking of a decennial census, the encouragement of immigration, the collection of agricultural and other statistics, the establishment of model farms and agricultural schools, the holding of annual exhibitions and fairs, and other matters calculated to encourage the cultivation of the soil in both sections of the province. Malcolm Cameron became its first minister in connection with his nominal duties as president of the executive council —a position which he had accepted only on condition that it was accompanied by some more active connection with the administration of public affairs.

For three sessions the LaFontaine-Baldwin ministry had made vain efforts to pass a law increasing the representation of the two provinces to one hundred and thirty or sixty-five members for each section. As already stated the Union Act required that such a measure should receive a majority of two-thirds in each branch of the legislature. It would have become law on two occasions had it not been for the factious opposition of Papineau, whose one vote would have given the majority constitutionally necessary. When it was again presented in 1853 by Mr. Morin, it received the bitter opposition of Mr. Brown, who was now formulating the doctrine of representation by population which after-

wards became so important a factor in provincial politics that it divided west from east, and made government practically impossible until a federal union of the British North American provinces was brought about as the only feasible solution of the serious political and sectional difficulties under which Canada was suffering. A number of prominent Conservatives, including Mr. John A. Macdonald, were also unfavourable to the measure on the ground that the population of Upper Canada, which was steadily increasing over that of Lower Canada, should be equitably considered in any readjustment of the provincial representation. The French Canadians, who had been forced to come into the union in 1841 with the same representation as Upper Canada with its much smaller population, were now unwilling to disturb the equality originally fixed while agreeing to an increase in the number of representatives from each section. The bill, which became law in 1853, was entirely in harmony with the views entertained by Lord Elgin when he first took office as governor-general of Canada. In 1847 he gave his opinion to the colonial secretary that "the comparatively small number of members of which the popular bodies who determine the fate of provincial administrations" consisted was "unfavourable to the existence of a high order of principle and feeling among official personages." When a defection of two or three individuals from a majority of ten or so put

an administration in peril, "the perpetual patchwork and trafficking to secure this vote and that (not to mention other evils) so engrosses the time and thoughts of ministers that they have not leisure for matters of greater moment." He clearly saw into the methods by which his first unstable ministry, which had its origin in Lord Metcalfe's time, was alone able to keep its feeble majority. "It must be remembered," he wrote in 1847, "that it is only of late that the popular assemblies in this part of the world have acquired the right of determining who shall govern them—of insisting, as we phrase it, that the administration of affairs shall be conducted by persons enjoying their confidence. It is not wonderful that a privilege of this kind should be exercised at first with some degree of recklessness, and that while no great principles of policy are at stake, methods of a more questionable character for winning and retaining the confidence of these arbiters of destiny should be resorted to."

While the Hincks government was in office, the Canadian legislature received power from the imperial authorities—as I shall show later—to settle the question of the clergy reserves on condition that protection should be given to those members of the clergy who had been beneficiaries under the Constitutional Act of 1791. A measure was passed for the settlement of the seigniorial tenure question on an equitable basis, but it was defeated in the legislative council by a large majority amongst which we see the

names of several seigneurs directly interested in the measure. It was not fully discussed in that chamber on the ground that members from Upper Canada had not had a sufficient opportunity of studying the details of the proposed settlement and of coming to a just conclusion as to its merits. The action of the council under these circumstances was severely criticized, and gave a stimulus to the movement that had been steadily going on for years among radical reformers of both provinces in favour of an elective body.

The result was that in 1854 the British parliament repealed the clauses of the Union Act of 1840 with respect to the upper House, and gave full power to the Canadian legislature to make such changes as it might deem expedient—another concession to the principle of local self-government. It was not, however, until 1856, that the legislature passed a bill giving effect to the intentions of the imperial law, and the first elections were held for the council. Lord Elgin was always favourable to this constitutional change. "The position of the second chamber of our body politic"—I quote from a despatch of March, 1853—"is at present wholly unsatisfactory. The principle of election must be introduced in order to give to it the influence which it ought to possess, and that principle must be so applied as to admit of the working of parliamentary government (which I for one am certainly not prepared to abandon for the American system) with two

elective chambers. . . . . When our two legislative bodies shall have been placed on this improved footing, a greater stability will have been imparted to our constitution, and a greater strength." Lord Elgin's view was adopted and the change was made.

It is interesting to note that so distinguished a statesman as Lord Derby, who had been colonial secretary in a previous administration, had only gloomy forebodings of the effects of this elective system applied to the Upper House. He believed that the dream that he had of seeing the colonies form eventually "a monarchical government, presided over by one nearly and closely allied to the present royal family," would be proved quite illusory by the legislation in question. "Nothing," he added, "like a free and regulated monarchy could exist for a single moment under such a constitution as that which is now proposed for Canada. From the moment that you pass this constitution, the progress must be rapidly towards republicanism, if anything could be more really republican than this bill." As a matter of fact a very few years later than the utterance of these gloomy words, Canada and the other provinces of British North America entered into a confederation "with a constitution similar in principle to that of the United Kingdom"—to quote words in the preamble of the Act of Union—and with a parliament of which the House of Commons is alone elective. More than that, Lord Derby's dream has been in a

measure realized and Canada has seen at the head of her executive a governor-general—the present Duke of Argyle—"nearly and closely allied to the present royal family" of England, by his marriage to the Princess Louise, the fourth daughter of Queen Victoria, who accompanied her husband to Ottawa.

One remarkable feature of the Imperial Act dealing with this question of the council, was the introduction of a clause which gave authority to a mere majority of the members of the two Houses of the legislature to increase the representation, and consequently removed that safeguard to French Canada which required a two-thirds vote in each branch. As the legislature had never passed an address or otherwise expressed itself in favour of such an amendment of the Union Act, there was always a mystery as to the way it was brought about. Georges Étienne Cartier always declared that Papineau was indirectly responsible for this imperial legislation. As already stated, the leader of the Rouges had voted against the bill increasing the representation, and had declaimed like others against the injustice which the clause in the Union Act had originally done to French Canada. "This fact," said Cartier, "was known in England, and when leave was given to elect legislative councillors, the amendment complained of was made at the same time. It may be said then, that if Papineau had not systematically opposed the increase of representation, the change in

question would have never been thought of in England." Hincks, however, was attacked by the French Canadian historian, Garneau, for having suggested the amendment while in England in 1854. This, however, he denied most emphatically in a pamphlet which he wrote at a later time when he was no longer in public life. He placed the responsibility on John Boulton, who called himself an independent Liberal and who was in England at the same time as Hincks, and probably got the ear of the colonial secretary or one of his subordinates in the colonial office, and induced him to introduce the amendment which passed without notice in a House where very little attention was given, as a rule, to purely colonial questions.

In 1853 Lord Elgin visited England, where he received unqualified praise for his able administration of Canadian affairs. It was on this occasion that Mr. Buchanan, then minister of the United States in London, and afterwards a president of the Republic, paid this tribute to the governor-general at a public dinner given in his honour.

"Lord Elgin," he said, "has solved one of the most difficult problems of statesmanship. He has been able, successfully and satisfactorily, to administer, amidst many difficulties, a colonial government over a free people. This is an easy task where the commands of a despot are law to his obedient servants, but not so in a colony where the people feel that they possess the rights and privi-

leges of native-born Britons. Under his enlightened government, Her Majesty's North American provinces have realized the blessings of a wise, prudent and prosperous administration, and we of the neighbouring nation, though jealous of our rights, have reason to be abundantly satisfied with his just and friendly conduct towards ourselves. He has known how to reconcile his devotion to Her Majesty's service with a proper regard to the rights and interests of a kindred and neighbouring people. Would to heaven we had such governors-general in all the European colonies in the vicinity of the United States!"

On his return from England Lord Elgin made a visit to Washington and succeeded in negotiating the reciprocity treaty which he had always at heart. It was not, however, until a change of government occurred in Canada, that the legislature was able to give its ratification to this important measure. This subject is of such importance that it will be fully considered in a separate chapter on the relations between Canada and the United States during Lord Elgin's term of office.

In 1854 the Roman Catholic inhabitants of Quebec and Montreal were deeply excited by the lectures of a former monk, Father Gavazzi, who had become a Protestant and professed to expose the errors of the faith to which he once belonged. Much rioting took place in both cities, and blood was shed in Montreal, where the troops, which had

been called out, suddenly fired on the mob. Mr. Wilson, the mayor, who was a Roman Catholic, was accused of having given the order to fire, but he always denied the charge, and Hincks, in his "Reminiscences," expresses his conviction that he was not responsible. He was persuaded that "the firing was quite accidental, one man having discharged his piece from misapprehension, and others having followed his example until the officers threw themselves in front, and struck up the firelocks." Be this as it may, the Clear Grits in the West promptly made use of this incident to attack the government on the ground that it had failed to make a full investigation into the circumstances of the riot. As a matter of fact, according to Hincks, the government did take immediate steps to call the attention of the military commandant to the matter, and the result was a court of inquiry which ended in the removal of the regiment—then only a few days in Canada—to Bermuda for having shown "a want of discipline." Brown inveighed very bitterly against Hincks and his colleagues, as subject to Roman Catholic domination in French Canada, and found this unfortunate affair extremely useful in his systematic efforts to destroy the government, to which at no time had he been at all favourable.

Several changes took place during 1853 in the *personnel* of the ministry, which met parliament on June 13th, with the following members hold-

ing portfolios: Hon. Messrs. Hincks, premier and inspector-general; John Ross, formerly solicitor-general west in place of Richards, elevated to the bench, attorney-general for Upper Canada; James Morris, president of the legislative council, in place of Mr. Caron, now a judge; John Rolph, president of the executive council; Malcolm Cameron, postmaster-general; A. N. Morin, commissioner of crown lands; L. P. Drummond, attorney-general for Lower Canada; Mr. Chauveau, formerly solicitor east, provincial secretary; J. Chabot, commissioner of public works in place of John Young, resigned on account of differences on commercial questions; and E. P. Taché, receiver-general. Dunbar Ross became solicitor-general east, and Joseph C. Morrison, solicitor-general west.

The government had decided to have a short session, pass a few necessary measures and then appeal to the country. The secularization of the reserves, and the question of the seigniorial tenure were not to be taken up until the people had given an expression of opinion as to the ministerial policy generally. As soon as the legislature met, Cauchon, already prominent in public life, proposed an amendment to the address, expressing regret that the government had no intention "to submit immediately a measure to settle the question of the seigniorial tenure." Then Sicotte, who had not long before declined to enter the ministry, moved to

add the words "and one for the secularization of the clergy reserves." These two amendments were carried by a majority of thirteen in a total division of seventy-one votes. While the French Liberals continued to support Morin, all the Upper Canadian opponents of the government, Conservatives and Clear Grits, united with a number of Hincks's former supporters and Rouges in Lower Canada to bring about this ministerial defeat. The government accordingly was obliged either to resign or ask the governor-general for a dissolution. It concluded to adhere to its original determination, and go at once to the country. The governor-general consented to prorogue the legislature with a view to an immediate appeal to the electors. When the Usher of the Black Rod appeared at the door of the assembly chamber, to ask the attendance of the Commons in the legislative council, a scene of great excitement occurred. William Lyon Mackenzie made one of his vituperative attacks on the government, and was followed by John A. Macdonald, who declared its course to be most unconstitutional. When at last the messenger from the governor-general was admitted by order of the speaker, the House proceeded to the council chamber, where members were electrified by another extraordinary incident. The speaker of the assembly was John Sandfield Macdonald, an able Scotch Canadian, in whose character there was a spirit of

vindictiveness, which always asserted itself when he received a positive or fancied injury. He had been a solicitor-general of Upper Canada in the LaFontaine-Baldwin government, and had never forgiven Hincks for not having promoted him to the attorney-generalship, instead of W. B. Richards, afterwards an eminent judge of the old province of Canada, and first chief justice of the Supreme Court of the Dominion. Hincks had offered him the commissionership of crown lands in the ministry, but he refused to accept any office except the one on which his ambition was fixed. Subsequently, however, he was induced by his friends to take the speakership of the legislative assembly, but he had never forgiven what he considered a slight at the hands of the prime minister in 1851. Accordingly, when he appeared at the Bar of the Council in 1853, he made an attempt to pay off this old score. As soon as he had made his bow to the governor-general seated on the throne, Macdonald proceeded to read the following speech, which had been carefully prepared for the occasion in the two languages:

"May it please your Excellency: It has been the immemorial custom of the speaker of the Commons' House of Parliament to communicate to the throne the general result of the deliberations of the assembly upon the principal objects which have employed the attention of parliament during the period of their labours. It is not now part of my

duty thus to address your Excellency, inasmuch as there has been no act passed or judgment of parliament obtained since we were honoured by your Excellency's announcement of the cause of summoning of parliament by your gracious speech from the throne. The passing of an act through its several stages, according to the law and custom of parliament (solemnly declared applicable to the parliamentary proceedings of this province, by a decision of the legislative assembly of 1841), is held to be necessary to constitute a session of parliament. This we have been unable to accomplish, owing to the command which your Excellency has laid upon us to meet you this day for the purpose of prorogation. At the same time I feel called upon to assure your Excellency, on the part of Her Majesty's faithful Commons, that it is not from any want of respect to yourself, or to the august personage whom you represent in these provinces, that no answer has been returned by the legislative assembly to your gracious speech from the throne."

It is said by those who were present on this interesting occasion that His Excellency was the most astonished person in the council chamber. Mr. Fennings Taylor, the deputy clerk with a seat at the table, tells us in a sketch of Macdonald that Lord Elgin's face clearly marked "deep displeasure and annoyance when listening to the speaker's address," and that he gave "a motion of angry impatience when he found himself obliged to

listen to the repetition in French of the reproof which had evidently galled him in English." This incident was in some respects without parallel in Canadian parliamentary history. There was a practice, now obsolete in Canada as in England, for the speaker, on presenting the supply or appropriation bill to the governor-general for the royal assent, to deliver a short address directing attention to the principal measures passed during the session about to be closed.[1] This practice grew up in days when there were no responsible ministers who would be the only constitutional channel of communication between the Crown and the assembly. The speaker was privileged, and could be instructed as "the mouth-piece" of the House, to lay before the representative of the Sovereign an expression of opinion on urgent questions of the day. On this occasion Mr. Macdonald was influenced entirely by personal spite, and made an unwarrantable use of an old custom which was never intended, and could not be constitutionally used, to insult the representative of the Crown, even by inference. Mr. Macdonald was not even correct in his interpretation of the constitution, when he positively declared that an act was necessary to constitute a session. The Crown makes a session by summoning

[1] "Portraits of British Americans," Montreal, 1865, vol. I., pp. 99-100. See Bourinot's "Parliamentary Procedure," p. 573*n*. The last occasion on which a Canadian speaker exercised this old privilege was in 1869, and then Mr. Cockburn made only a very brief reference to the measures of the session.

and opening parliament, and it is always a royal prerogative to prorogue or dissolve it at its pleasure even before a single act has passed the two Houses. Such a scene could never have occurred with the better understanding of the duties of the speaker and of the responsibilities of ministers advising the Crown that has grown up under a more thorough study of the practice and usages of parliament, and of the principles of responsible government. This little political episode is now chiefly interesting as giving an insight into one phase of the character of a public man, who afterwards won a high position in the parliamentary and political life of Canada before and after the confederation of 1867, not by the display of a high order of statesmanship, but by the exercise of his tenacity of purpose, and by reason of his reputation for a spiteful disposition which made him feared by friend and foe.

Immediately after the prorogation, parliament was dissolved and the Hincks-Morin ministry presented itself to the people, who were now called upon to elect a larger number of representatives under the act passed in 1853. Of the constitutionality of the course pursued by the government in this political crisis, there can now be no doubt. In the first place it was fully entitled to demand a public judgment on its general policy, especially in view of the fact, within the knowledge of all persons, that the opposition in the assembly was composed of discordant elements, only tempor-

arily brought together by the hope of breaking up the government. In the next place it felt that it could not be justified by sound constitutional usage in asking a parliament in which the people were now imperfectly represented, to settle definitely such important questions as the clergy reserves and the seigniorial tenure. Lord Elgin had himself no doubt of the necessity for obtaining a clear verdict from the people by means of "the more perfect system of representation" provided by law. In the debate on the Representation Bill in 1853, John A. Macdonald did not hesitate to state emphatically that the House should be governed by English precedents in the position in which it would soon be placed by the passage of this measure. "Look," he said, "at the Reform Bill in England. That was passed by a parliament that had been elected only one year before, and the moment it was passed, Lord John Russell affirmed that the House could not continue after it had declared that the country was not properly represented. How can we legislate on the clergy reserves until another House is elected, if this bill passes? A great question like this cannot be left to be decided by a mere accidental majority. We can legislate upon no great question after we have ourselves declared that we do not represent the country. Do these gentlemen opposite mean to say that they will legislate on a question affecting the rights of people yet unborn, with the fag-end of

a parliament dishonoured by its own confessions of incapacity?" Hincks in his "Reminiscences," printed more than three decades later than this ministerial crisis, still adhered to the opinion that the government was fully justified by established precedent in appealing to the country before disposing summarily of the important questions then agitating the people. Both Lord Elgin and Sir John A. Macdonald—to give the latter the title he afterwards received from the Crown—assuredly set forth the correct constitutional practice under the peculiar circumstances in which both government and legislature were placed by the legislation increasing the representation of the people.

The elections took place in July and August of 1854, for in those times there was no system of simultaneous polling on one day, but elections were held on such days and as long as the necessities of party demanded.[1] The result was, on the whole, adverse to the government. While it still retained a majority in French Canada, its opponents returned in greater strength, and Morin himself was defeated in Terrebonne, though happily for the interests of his party he was elected by acclamation at the same time in Chicoutimi. In Upper Canada the ministry did not obtain half the vote of the sixty-five representatives now elected to the

[1] It was not until 1874 when Mr. Alexander Mackenzie was first minister of a Liberal government that simultaneous polling at a general election was required by law, but it had existed some years previously in Nova Scotia.

legislature by that province. This vote was distributed as follows: Ministerial, 30; Conservatives, 22; Clear Grits, 7; and Independents, 6. Malcolm Cameron was beaten in Lambton, but Hincks was elected by two constituencies. One auspicious result of this election was the disappearance of Papineau from public life. He retired to his pretty château on the banks of the Ottawa, and the world soon forgot the man who had once been so prominent a figure in Canadian politics. His graces of manner and conversation continued for years to charm his friends in that placid evening of his life so very different from those stormy days when his eloquence was a menace to British institutions and British connection. Before his death, he saw Lower Canada elevated to an independent and influential position in the confederation of British North America which it could never have reached as that *Nation Canadienne* which he had once vainly hoped to see established in the valley of the St. Lawrence.

The Rouges, of whom Papineau had been leader, came back in good form and numbered nineteen members. Antoine A. Dorion, Holton, and other able men in the ranks of this once republican party, had become wise and adopted opinions which no longer offended the national and religious susceptibilities of their race, although they continued to show for years their radical tendencies which prevented them from ever obtain-

ing a firm hold of public opinion in a practically Conservative province, and becoming dominant in the public councils for any length of time.

The fifth parliament of the province of Canada was opened by Lord Elgin on February 5th, 1854, and the ministry was defeated immediately on the vote for the speakership, to which Mr. Sicotte—a dignified cultured man, at a later time a judge—was elected. On this occasion Hincks resorted to a piece of strategy which enabled him to punish John Sandfield Macdonald for the insult he had levelled at the governor-general and his advisers at the close of the previous parliament. The government's candidate was Georges Étienne Cartier, who was first elected in 1849 and who had already become conspicuous in the politics of his province. Sicotte was the choice of the Opposition in Lower Canada, and while there was no belief among the politicians that he could be elected, there was an understanding among the Conservatives and Clear Grits that an effort should be made in his behalf, and in case of its failure, then the whole strength of the opponents of the ministry should be so directed as to ensure the election of Mr. Macdonald, who was sure to get a good Reform vote from the Upper Canadian representatives. These names were duly proposed in order, and Cartier was defeated by a large majority. When the clerk at the table had called for a vote for Sicotte, the number who stood up in his favour was quite

insignificant, but before the Nays were taken, Hincks arose quickly and asked that his name be recorded with the Yeas. All the ministerialists followed the prime minister and voted for Sicotte, who was consequently chosen speaker by a majority of thirty-five. But all that Hincks gained by such clever tactics was the humiliation for the moment of an irascible Scotch Canadian politician. The vote itself had no political significance whatever, and the government was forced to resign on September 8th. The vote in favour of Cartier had shown that the ministry was in a minority of twelve in Upper Canada, and if Hincks had any doubt of his political weakness it was at once dispelled on September 7th when the House refused to grant to the government a short delay of twenty-four hours for the purpose of considering a question of privilege which had been raised by the Opposition. On this occasion, Dr. Rolph, who had been quite restless in the government for some time, voted against his colleagues and gave conclusive evidence that Hincks was deserted by the majority of the Reform party in his own province, and could no longer bring that support to the French Canadian ministerialists which would enable them to administer public affairs.

The resignation of the Hincks-Morin ministry begins a new epoch in the political annals of Canada. From that time dates the disruption of the old Liberal party which had governed the country so

successfully since 1848, and the formation of a powerful combination which was made up of the moderate elements of that party and of the Conservatives, which afterwards became known as the Liberal-Conservative party. This new party practically controlled public affairs for over three decades until the death of Sir John A. Macdonald, to whose inspiration it largely owed its birth. With that remarkable capacity for adapting himself to political conditions, which was one of the secrets of his strength as a party leader, he saw in 1854 that the time had come for forming an alliance with those moderate Liberals in the two provinces who, it was quite clear, had no possible affinity with the Clear Grits, who were not only small in numbers, but especially obnoxious to the French Canadians as a people on account of the intemperate attacks made by Mr. Brown in the Toronto *Globe* on their revered institutions.

The representatives who supported the late ministry were still in larger numbers than any other party or faction in the House, and it was obvious that no government could exist without their support. Sir Allan MacNab, who was the oldest parliamentarian, and the leader of the Conservatives—a small but compact party—was then invited by the governor-general to assist him by his advice, during a crisis when it was evident to the veriest political tyro that the state of parties in the assembly rendered it very difficult to form a

stable government unless a man could be found ready to lay aside all old feelings of personal and political rivalry and prejudice and unite all factions on a common platform for the public advantage. All the political conditions, happily, were favourable for a combination on a basis of conciliation and compromise. The old Liberals in French Canada under the influence of LaFontaine and Morin had been steadily inclining to Conservatism with the secure establishment of responsible government and the growth of the conviction that the integrity of the cherished institutions of their ancient province could be best assured by moving slowly *(festina lente)*, and not by constant efforts to make radical changes in the body politic. The Liberals, of whom Hincks was leader, were also very distrustful of Brown, and clearly saw that he could have no strength whatever in a province where French Canada must have a guarantee that its language, religion, and civil law, were safe in the hands of any government that might at any time be formed. The wisest men among the Conservatives also felt that the time had arrived for adopting a new policy since the old questions which had once evoked their opposition had been at last settled by the voice of the people, and could no longer constitutionally or wisely be made matters of continued agitation in or out of parliament. "The question that arose in the minds of the old Liberals," as it was said many years

later by Thomas White, an able journalist and politician,[1] "was this: shall we hand over the government of this country to the men who, calling themselves Liberals, have broken up the Liberal party by the declaration of extravagant views, by the enunciation of principles far more radical and reckless than any we are prepared to accept, and by a restless ambition which we cannot approve? Or shall we not rather unite with the Conservatives who have gone to the country declaring, in reference to the great questions which then agitated it, that if the decision at the polls was against them, they would no longer offer resistance to their settlement, but would, on the contrary, assist in such solution of them as would forever remove them from the sphere of public or political agitation." With both Liberals and Conservatives holding such views, it was easy enough for John A. Macdonald to convince even Sir Allan MacNab that the time had come for forgetting the past as much as possible, and constituting a strong government from the moderate elements of the old parties which had served their turn and now required to be remodelled on a wider basis of common interests. Sir Allan MacNab recognized the necessity of bringing his own views

[1] See "The Last Forty Years, or Canada Since the Union of 1841," by John Charles Dent, Toronto, 1881, vol. II., p. 309. Mr. White became Minister of the Interior in Sir John Macdonald's government (1885-88) but died suddenly in the midst of a most active and useful administrative career.

into harmony with those of the younger men of his party who were determined not to allow such an opportunity for forming a powerful ministry to pass by. The political situation, indeed, was one calculated to appeal to both the vanity and self-interest of the veteran statesman, and he accordingly assumed the responsibility of forming an administration. He communicated immediately with Morin and his colleagues in Lower Canada, and when he received a favourable reply from them, his next step was to make arrangements, if possible, with the Liberals of Upper Canada. Hincks was only too happy to have an opportunity of resenting the opposition he had met with from Brown and the extreme Reformers of the western province, and opened negotiations with his old supporters on the conditions that the new ministry would take immediate steps for the secularization of the clergy reserves, and the settlement of the seigniorial tenure, and that two members of the administration would be taken from his own followers. The negotiations were successfully closed on this basis of agreement, and on September 11th the following ministers were duly sworn into office:

Upper Canada.—Hon. Sir Allan MacNab, president of the executive council and minister of agriculture; Hon. John A. Macdonald, attorney-general of Upper Canada; Hon. W. Cayley, inspector-general; Hon. R. Spence, postmaster-

general; Hon. John Ross, president of the legislative council.

Lower Canada.—Hon. A. N. Morin, commissioner of crown lands; Hon. L. P. Drummond, attorney-general for Lower Canada; Hon. P. J. O. Chauveau, provincial secretary; Hon. E. P. Taché, receiver-general; Hon. J. Chabot, commissioner of public works.

The new cabinet contained four Conservatives, and six members of the old ministry. Henry Smith, a Conservative, became solicitor-general for Upper Canada, and Dunbar Ross continued in the same office for Lower Canada, but neither of them had seats in the cabinet. The Liberal-Conservative party, organized under such circumstances, was attacked with great bitterness by the leaders of the discordant factions, who were greatly disappointed at the success of the combination formed through the skilful management of Messrs. J. A. Macdonald, Hincks and Morin.

The coalition was described as "an unholy alliance" of men who had entirely abandoned their principles. But an impartial historian must record the opinion that the coalition was perfectly justified by existing political conditions, that had it not taken place, a stable government would in all probability have been for some time impossible, and that the time had come for the reconstruction of parties with a broad generous policy which would ignore issues at last dead, and be more in

harmony with modern requirements. It might with some reason be called a coalition when the reconstruction of parties was going on, but it was really a successful movement for the annihilation of old parties and issues, and for the formation on their ruins of a new party which could gather to itself the best materials available for the effective conduct of public affairs on the patriotic platform of the union of the two races, of equal rights to all classes and creeds, and of the avoidance of purely sectional questions calculated to disturb the union of 1841.

The new government at once obtained the support of a large majority of the representatives from each section of the province, and was sustained by the public opinion of the country at large. During the session of 1854 measures were passed for the secularization of the reserves, the removal of the seigniorial tenure, and for the ratification of the reciprocity treaty with the United States. As I have only been able so far in this historical narrative to refer in a very cursory manner to these very important questions, I propose now to give in the following chapter a succinct review of their history from the time they first came into prominence down to their settlement at the close of Lord Elgin's administration in Canada.

CHAPTER VII

THE HISTORY OF THE CLERGY RESERVES, (1791-1854)

FOR a long period in the history of Canada the development of several provinces was more or less seriously retarded, and the politics of the country constantly complicated by the existence of troublesome questions arising out of the lavish grants of public lands by the French and English governments. The territorial domain of French Canada was distributed by the king of France, under the inspiration of Richelieu, with great generosity, on a system of a modified feudal tenure, which, it was hoped, would strengthen the connection between the Crown and the dependency by the creation of a colonial aristocracy, and at the same time stimulate the colonization and settlement of the valley of the St. Lawrence; but, as we shall see in the course of the following chapter, despite the wise intentions of its promoters, the seigniorial tenure gradually became, after the conquest, more or less burdensome to the *habitants*, and an impediment rather than an incentive to the agricultural development and peopling of the province. Even little Prince Edward Island was troubled with a land question as early as 1767, when it was still

known by the name St. John, given it in the days of French rule. Sixty-seven townships, containing in the aggregate 1,360,600 English acres, were conveyed in one day by ballot, with a few reservations to the Crown, to a number of military men, officials and others, who had real or supposed claims on the British government. In this wholesale fashion the island was burdened with a land monopoly which was not wholly removed until after the union with the Canadian Dominion in 1873. Though some disputes arose in Nova Scotia and New Brunswick between the old and new settlers with respect to the ownership of lands after the coming of the Loyalists, who received, as elsewhere, liberal grants of land, they were soon settled, and consequently these maritime provinces were not for any length of time embarrassed by the existence of such questions as became important issues in the politics of Canada. Extravagant grants were also given to the United Empire Loyalists who settled on the banks of the St. Lawrence and Niagara rivers in Upper Canada, as some compensation for the great sacrifices they had made for the Crown during the American revolution. Large tracts of this property were sold either by the Loyalists or their heirs, and passed into the hands of speculators at very insignificant prices. Lord Durham in his report cites authority to show that not "one-tenth of the lands granted to United Empire Loyalists had been occupied by the persons to whom they

were granted, and in a great proportion of cases not occupied at all." The companies which were also in the course of time organized in Great Britain for the purchase and sale of lands in Canada, also received extraordinary favours from the government. Although the Canada Company, which is still in existence, was an important agency in the settlement of the province of Upper Canada, its possession of immense tracts—some of them, the Huron Block, for instance, locked up for years—was for a time a great public grievance.

But all these land questions sank into utter insignificance compared with the dispute which arose out of the thirty-sixth clause of the Constitutional Act of 1791, which provided that there should be reserved for the maintenance and support of a "Protestant clergy," in the provinces of Upper and Lower Canada, "a quantity of land equal in value to a seventh part of grants that had been made in the past, or might be made in the future." Subsequent clauses of the same act made provision for the erection and endowment of one or more rectories in every township or parish, "according to the establishment of the Church of England," and at the same time gave power to the legislature of the two provinces "to vary or repeal" these enactments of the law with the important reservation that all bills of such a character could not receive the royal assent until thirty days after they had been laid before both Houses of the imperial

parliament. Whenever it was practicable, the lands were reserved under the act among those already granted to settlers with the intention of creating parishes as soon as possible in every settled township throughout the province. However, it was not always possible to carry out this plan, in consequence of whole townships having been granted *en bloc* to the Loyalists in certain districts, especially in those of the Bay of Quinté, Kingston and Niagara, and it was therefore necessary to carry out the intention of the law in adjoining townships where no lands of any extent had been granted to settlers.

The Church of England, at a very early period, claimed, as the only "Protestant clergy" recognized by English law, the exclusive use of the lands in question, and Bishop Mountain, who became in 1793 Anglican bishop of Quebec, with a jurisdiction extending over all Canada, took the first steps to sustain this assertion of exclusive right. Leases were given to applicants by a clerical corporation established by the Anglican Church for the express purpose of administering the reserves. For some years the Anglican claim passed without special notice, and it is not until 1817 that we see the germ of the dispute which afterwards so seriously agitated Upper Canada. It was proposed in the assembly to sell half the lands and devote the proceeds to secular purposes, but the sudden prorogation of the legislature by Lieutenant-Governor Gore, prevented any definite action on the reso-

lutions, although the debate that arose on the subject had the effect of showing the existence of a marked public grievance. The feeling at this time in the country was shown in answers given to circulars sent out by Robert Gourlay, an energetic Scottish busy-body, to a number of townships, asking an expression of opinion as to the causes which retarded improvement and the best means of developing the resources of the province. The answer from Sandwich emphatically set forth that the reasons of the existing depression were the reserves of land for the Crown and clergy, "which must for long keep the country a wilderness, a harbour for wolves, and a hindrance to compact and good neighbourhood; defects in the system of colonization; too great a quantity of land in the hands of individuals who do not reside in the province, and are not assessed for their property."

The select committee of the House of Commons on the civil government of Canada reported in 1828 that "these reserved lands, as they are at present distributed over the country, retard more than any other circumstance the improvement of the colony, lying as they do in detached portions of each township and intervening between the occupations of actual settlers, who have no means of cutting roads through the woods and morasses which thus separate them from their neighbours." It appears, too, that the quantity of land actually reserved was in excess of that which appears to have been contemplated by the

Constitutional Act. "A quantity equal to one-seventh of all grants," wrote Lord Durham in his report of 1839, "would be one-eighth of each township, or of all the public land. Instead of this proportion, the practice has been ever since the act passed, and in the clearest violation of its provisions, to set apart for the clergy in Upper Canada, a seventh of all the land, which is a quantity equal to a sixth of the land granted. . . . In Lower Canada the same violation of the law has taken place, with this difference—that upon every sale of Crown and clergy reserves, a fresh reserve for the clergy has been made, equal to a fifth of such reserves." In that way the public in both provinces was systematically robbed of a large quantity of land, which, Lord Durham estimated, was worth about £280,000 at the time he wrote. He acknowledges, however, that the clergy had no part in "this great misappropriation of the public property," but that it had arisen "entirely from heedless misconception, or some other error of the civil government of the province." All this, however, goes to show the maladministration of the public lands, and is one of the many reasons the people of the Canadas had for considering these reserves a public grievance.

When political parties were organized in Upper Canada some years after the war of 1812-14, which had for a while united all classes and creeds for the common defence, we see on one side a Tory compact for the maintenance of the old condition of

things, the control of patronage, and the protection of the interests of the Church of England; on the other, a combination of Reformers, chiefly composed of Methodists, Presbyterians, and Baptists, who clamoured for reforms in government and above all for relief from the dominance of the Anglican Church, which, with respect to the clergy reserves and other matters, was seeking a *quasi* recognition as a state church. As the Puritans of New England at the commencement of the American Revolution inveighed against any attempt to establish an Anglican episcopate in the country as an insidious attack by the monarchy on their civil and religious liberty—most unjustly, as any impartial historian must now admit[1]—so in Upper Canada the dissenters made it one of their strongest grievances that favouritism was shown to the Anglican Church in the distribution of the public lands and the public patronage, to the detriment of all other religious bodies in the province. The bitterness that was evoked on this question had much to do with bringing about the rebellion of 1837. If the whole question could have been removed from the arena of political discussion, the Reformers would have been deprived of one of their most potent agencies to create a feeling against the

[1] See remarks of Dr. Kingsford in his "History of Canada" (vol. VII., pp. 266-273), showing how unjust was the clamour raised by the enemies of the church in New England when a movement was in progress for the establishment of a colonial episcopate simply for purposes of ordination and church government.

"family compact" and the government at Toronto. But Bishop Strachan, who was a member of both the executive and legislative councils—in other words, the most influential member of the "family compact"—could not agree to any compromise which would conciliate the aggrieved dissenters and at the same time preserve a large part of the claim made by the Church of England. Such a compromise in the opinion of this sturdy, obstinate ecclesiastic, would be nothing else than a sop to his Satanic majesty. It was always with him a battle *à l'outrance*, and as we shall soon see, in the end he suffered the bitterness of defeat.

In these later days when we can review the whole question without any of the prejudice and passion which embittered the controversy while it was a burning issue, we can see that the Church of England had strong historical and legal arguments to justify its claim to the exclusive use of the clergy reserves. When the Constitutional Act of 1791 was passed, the only Protestant clergy recognized in British statutes were those of the Church of England, and, as we shall see later, those of the established Church of Scotland. The dissenting denominations had no more a legal status in the constitutional system of England than the Roman Catholics, and indeed it was very much the same thing in some respects in the provinces of Canada. So late as 1824 the legislative council, largely composed of Anglicans, rejected a bill allowing Methodist ministers

to solemnize marriages, and it was not until 1831 that recognized ministers of all denominations were placed on an equality with the Anglican clergy in such matters. The employment of the words "Protestant clergy" in the act, it was urged with force, was simply to distinguish the Church of England clergy from those of the Church of Rome, who, otherwise, would be legally entitled to participate in the grant.

The loyalists, who founded the province of Upper Canada, established formally by the Constitutional Act of 1791, were largely composed of adherents of the Church of England, and it was one of the dearest objects of Lieutenant-Governor Simcoe to place that body on a stable basis and give it all the influence possible in the state. A considerable number had also settled in Lower Canada, and received, as in other parts of British North America, the sympathy and aid of the parent state. It was the object of the British government to make the constitution of the Canadas "an image and transcript" as far as possible of the British system of government. In no better way could this be done, in the opinion of the framers of the Constitutional Act, than by creating a titled legislative council;[1] and though this effort came to naught, it is noteworthy as showing the

[1] A clause of the act of 1791 provided that the sovereign might, if he thought fit, annex hereditary titles of honour to the right of being summoned to the legislative council in either province, but no titles were ever conferred under the authority of this imperial statute.

tendency at that time of imperial legislation. If such a council could be established, then it was all important that there should be a religious body, supported by the state, to surround the political institutions of the country with the safeguards which a conservative and aristocratic church like that of England would give. The erection and endowment of rectories "according to the establishment of the Church of England"—words of the act to be construed in connection with the previous clauses —was obviously a part of the original scheme of 1791 to anglicize Upper Canada and make it as far as possible a reflex of Anglican England.

It does not appear that at any time there was any such feeling of dissatisfaction with respect to the reserves in French Canada as existed throughout Upper Canada. The Protestant clergy in the former province were relatively few in number, and the Roman Catholic Church, which dominated the whole country, was quite content with its own large endowments received from the bounty of the king or private individuals during the days of French occupation, and did not care to meddle in a question which in no sense affected it. On the other hand, in Upper Canada, the arguments used by the Anglican clergy in support of their claims to the exclusive administration of the reserves were constantly answered not only in the legislative bodies, but in the Liberal papers, and by appeals to the imperial government. It was contended that

the phrase "Protestant clergy" used in the Constitutional Act, was simply intended to distinguish all Protestant denominations from the Roman Catholic Church, and that, had there been any intention to give exclusive rights to the Anglican Church, it would have been expressly so stated in the section reserving the lands, just as had been done in the sections specially providing for the erection and endowment of Anglican rectories.

The first successful blow against the claims of the English Church in Canada was struck by that branch of the Presbyterian Church known in law as the Established Church of Scotland. It obtained an opinion from the British law officers in 1819, entirely favourable to its own participation in the reserves on the ground that it had been fully recognized as a state church, not only in the act uniting the two kingdoms of England and Scotland, but in several British statutes passed later than the Constitutional Act whose doubtful phraseology had originated the whole controversy. While the law officers admitted that the provisions of this act might be "extended also to the Church of Scotland, if there are any such settled in Canada (as appears to have been admitted in the debate upon the passing of the act)," yet they expressed the opinion that the clauses in question did not apply to dissenting ministers, since they thought that "the term 'Protestant clergy' could apply only to Protestant clergy recognized and estab-

lished by law." We shall see a little further on the truth of the old adage that "lawyers will differ" and that in 1840, twenty-one years later than the expression of the opinion just cited, eminent British jurists appeared to be more favourable to the claims of denominations other than the Church of Scotland.

Until 1836—the year preceding the rebellion—the excitement with respect to the reserves had been intensified by the action of Sir John Colborne, lieutenant-governor of Upper Canada, who, on the eve of his departure for England, was induced by Bishop Strachan to sign patents creating and endowing forty-four rectories[1] in Upper Canada, representing more than 17,000 acres of land in the aggregate or about 486 for each of them. One can say advisedly that this action was most indiscreet at a time when a wise administrator would have attempted to allay rather than stimulate public irritation on so serious a question. Until this time, says Lord Durham, the Anglican clergy had no exclusive privileges, save such as might spring from their efficient discharge of their sacred duties, or from the energy, ability or influence of members of their body—notably Bishop Strachan, who practically controlled the government in religious and even secular matters. But, continued Lord Durham, the last public act of Sir John Colborne made it quite understood that every rector pos-

[1] Thirteen other patents were left unsigned by the lieutenant-governor and consequently had no legal force.

sessed "all the spiritual and other privileges enjoyed by an English rector," and that though he might "have no right to levy tithes" (for even this had been made a question), he was "in all other respects precisely in the same position as a clergyman of the established church in England." "This is regarded," added Lord Durham, "by all other teachers of religion in this country as having at once degraded them to a position of legal inferiority to the clergy of the Church of England; and it has been most warmly resented. In the opinion of many persons, this was the chief predisposing cause of the recent insurrection, and it is an abiding and unabated cause for discontent."

As soon as Sir John Colborne's action was known throughout the province, public indignation among the opponents of the clergy reserves and the Church of England took the forms of public meetings to denounce the issue of the patents, and of memorials to the imperial government calling into question their legality and praying for their immediate annulment. An opinion was obtained from the law officers of the Crown that the action taken by Sir John Colborne was "not valid and lawful," but it was given on a mere *ex parte* statement of the case prepared by the opponents of the rectories; and the same eminent lawyers subsequently expressed themselves favourably as to the legality of the patents when they were asked to reconsider the whole question, which was set forth in a very

elaborate report prepared under the direction of Bishop Strachan. It is convenient to mention here that this phase of the clergy reserve question again came before able English counsel at the Equity Bar, when Hincks visited London in 1852. After they had given an opinion unfavourable to the Colborne patents on the case as submitted to them by the Canadian prime minister, it was deemed expedient to submit the whole legal question to the Court of Chancery in Upper Canada, which decided unanimously, after a full hearing of the case, that the patents were valid. But this decision was not given until 1856, when the whole matter of the reserves had been finally adjusted, and the validity of the creation of the rectories was no longer a burning question in Upper Canada.

When Poulett Thomson came to Canada in the autumn of 1839 as governor-general, he recognized the necessity of bringing about an immediate settlement of this very vexatious question, and of preventing its being made a matter of agitation after the union of the two provinces. The imperial authorities had already disallowed an act passed by the legislature of Upper Canada of 1838 to reinvest the clergy reserves in the Crown, and it became necessary for Lord Sydenham—to give the governor-general's later title—to propose a settlement in the shape of a compromise between the various Protestant bodies interested in the reserves. Lord Sydenham was opposed to the application of

these lands to general education as proposed in several bills which had passed the assembly, but had been rejected by the legislative council owing to the dominant influence of Bishop Strachan. "To such a measure," says Lord Sydenham's biographer,[1] "he was opposed; first because it would have taken away the only fund exclusively devoted to purposes of religion, and secondly, because, even if carried in the provincial legislature, it would evidently not have obtained the sanction of the imperial parliament. He therefore entered into personal communication with the leading individuals among the principal religious communities, and after many interviews, succeeded in obtaining their support to a measure for the distribution of the reserves among the religious communities recognized by law, in proportion to their respective numbers."

Lord Sydenham's efforts to obtain the consent "of leading individuals among the principal religious communities" did not succeed in preventing a strong opposition to the measure after it had passed through the legislature. Dr. Ryerson, a power among the Methodists, denounced it, after he had at the outset shown an inclination to support it, and the Bishop of Toronto was also among its most determined opponents. Lord Sydenham's well-meaning attempt to settle the question was

[1] "Memoirs of the Life of the Right Honourable Charles Lord Sydenham, G.C.B.," edited by his brother G. Poulett Scrope, M.P.; London, 1843.

thwarted at the very outset by the reference of the bill to English judges, who reported adversely on the ground that the power "to vary or repeal" given in the Constitutional Act of 1791 was only prospective, and did not authorize the provincial legislature to divert the proceeds of the lands already sold from the purpose originally contemplated in the imperial statute. The judges also expressed the opinion on this occasion that the words "Protestant clergy" were large enough to include and did include "other clergy than those of the Church of Scotland." In their opinion these words appeared, "both in their natural force and meaning, and still more from the context of the clauses in which they are found, to be there used to designate and intend a clergy opposed in doctrine and discipline to the clergy of the Church of Rome, and rather to aim at the encouragement of the Protestant religion in opposition to the Romish Church, than to point exclusively to the clergy of the Church of England." But as they did not find on the statute book the acknowledgment by the legislature of any other clergy answering the description of the law, they could not specify any other except the Church of Scotland as falling within the imperial statute.

Under these circumstances the imperial government at once passed through parliament a bill (3 and 4 Vict., c. 78) which re-enacted the Canadian measure with the modifications rendered necessary by the judicial opinion just cited. This act put

an end to future reservations, and at the same time recognized the claims of all the Protestant bodies to a share in the funds derived from the sales of the lands. It provided for the division of the reserves into two portions—those sold before the passing of the act and those sold at a later time. Of the previous sales, the Church of England was to receive two-thirds and the Church of Scotland one-third. Of future sales, the Church of England would receive one-third and the Church of Scotland one-sixth, while the residue could be applied by the governor-in-council "for purposes of public worship and religious instruction in Canada," in other words, that it should be divided among those other religious denominations that might make application at any time for a share in these particular funds.

This act, however, did not prove to be a settlement of this disturbing question. If Bishop Strachan had been content with the compromise made in this act, and had endeavoured to carry out its provisions as soon as it was passed, the Anglican Church would have obtained positive advantages which it failed to receive when the question was again brought into the arena of angry discussion. In 1844 when Henry Sherwood was solicitor-general in the Draper-Viger Conservative government he proposed an address to the Crown for the passing of a new imperial act, authorizing the division of the land itself instead of the income arising from its

sales. His object was to place the lands, allotted to the Church of England, under the control of the church societies, which could lease them, or hold them for any length of time at such prices as they might deem expedient. In the course of the debate on this proposition, which failed to receive the assent of the House, Baldwin, Price, and other prominent men expressed regret that any attempt should be made to disturb the settlement made by the imperial statute of 1840, which, in their opinion, should be regarded as final.

A strong feeling now developed in Upper Canada in favour of a repeal of the imperial act, and the secularization of the reserves. The Presbyterians—apart from the Church of Scotland—were now influenced by the Scottish Free Church movement of 1843 and opposed to public provision for the support of religious denominations. The spirit which animated them spread to other bodies, and was stimulated by the uncompromising attitude still assumed by the Anglican bishop, who was anxious, as Sherwood's effort proved, to obtain advantages for his church beyond those given it by the act of 1840. When the LaFontaine-Baldwin ministry was formed, the movement for the secularization of the reserves among the Upper Canadian Liberals, or Reformers as many preferred to call their party, became so pronounced as to demand the serious consideration of the government; but there was no inclination shown by the French

Canadians in the cabinet to disturb the settlement of 1840, and the serious phases of the Rebellion Losses Bill kept the whole question for some time in the background. After the appearance of the Clear Grits in Upper Canadian politics, with the secularization of the reserves as the principal plank in their platform, the LaFontaine-Baldwin cabinet felt the necessity of making a concession to the strong feeling which prevailed among Upper Canadian Reformers. As they were divided in opinion on the question and could not make it a part of the ministerial policy, Price, commissioner of Crown lands, was induced in the session of 1850 to introduce on his sole responsibility an address to the Crown, praying for the repeal of the imperial act of 1840, and the passage of another which would authorize the Canadian legislature to dispose of the reserves as it should deem most expedient, but with the distinct understanding that, while no particular sect should be considered as having a vested right in the property, the emoluments derived by existing incumbents should be guaranteed during their lives. Mr. Price—the same gentleman who had objected some years previously to the reopening of the question—showed in the course of his speech the importance which the reserves had now attained. The number of acres reserved to this time was 2,395,687, and of sales, under two statutes, 1,072,453. These sales had realized £720,756, of which £373,899 4s. 4d. had

been paid, and £346,856 15s. 8d. remained still due. Counting the interest on the sum paid, a million of pounds represented the value of the lands already sold, and when they were all disposed of there would be realized more than two millions of pounds. Price also pointed out the fact that only a small number of persons had derived advantages from these reserves. Out of the total population of 723,000 souls in Upper Canada, the Church of England claimed 171,000 and the Church of Scotland 68,000, or a total of 239,000 persons who received the lion's share, and left comparatively little to the remaining population of 484,000 souls. Among the latter the Roman Catholics counted 123,707 communicants and received only £700 a year; the Wesleyans, with 90,363 adherents, received even a still more wretched pittance. Furthermore 269,000 persons were entirely excluded from any share whatever in the reserves. In the debate on the resolutions for the address LaFontaine did not consider the imperial act a finality, and was in favour of having the reserves brought under the control of the Canadian legislature, but he expressed the opinion most emphatically that all private rights and endowments conferred under the authority of imperial legislation should be held inviolate, and so far as possible, carried into effect. Baldwin's observations were remarkable for their vagueness. He did not object to endowment for religious purposes, although he was opposed to any union between church and

state. While he did not consider the act of 1840 as a final settlement, inasmuch as it did not express the opinion of the Canadian people, he was not then prepared to commit himself as to the mode in which the property should be disposed of. Hincks affirmed that there was no desire on the part of members of the government to evade their responsibilities on the question, but they were not ready to adopt the absurd and unconstitutional course that was pressed on them by the Clear Grits, of attempting to repeal an imperial act by a Canadian statute.

Malcolm Cameron and other radical Reformers advocated the complete secularization of the reserves, while Cayley, Macdonald, and other Conservatives, urged that the provisions of the imperial act of 1840 should be carried out to the fullest extent, and that the funds, then or at a future time at the disposal of the government "for the purposes of public worship and religious instruction" under the act, should be apportioned among the various denominations that had not previously had a share in the reserves. When it came to a division, it was clear that there was no unanimity on the question among the ministers and other supporters. Indeed, the summary given above of the remarks made by LaFontaine, Baldwin, and Hincks, affords conclusive evidence of the differences of opinion that existed between them and of their reluctance to

express themselves definitely on the subject. The majority of the French members, Messrs. LaFontaine, Cauchon, Chabot, Chauveau, LaTerrière and others, voted against the resolution which affirmed that "no religious denomination can be held to have such vested interest in the revenue derived from the proceeds of the said clergy reserves as should prevent further legislation with reference to the disposal of them, but this House is nevertheless of opinion that the claims of existing incumbents should be treated in the most liberal manner." Baldwin and other Reformers supported this clause, which passed by a majority of two. The address was finally adopted on a division of forty-six Yeas and twenty-three Nays—"the minority containing the names of a few Reformers who would not consent to pledge themselves to grant, for the lives of the existing incumbents, the stipends on which they had accepted their charges—some perhaps having come from other countries to fill them and having possibly thrown up other preferments."[1] The address was duly forwarded to England by Lord Elgin, with a despatch in which he explained at some length the position of the whole question. In accordance with the principle which guided him throughout his administration of Canadian affairs—to give full scope to the right of the province to manage its own local concerns—he advised Lord Grey to repeal the imperial act of 1840 if he

[1] Sir Francis Hincks's "Reminiscences of his Public Life," p. 283.

wished "to preserve the colony." Lord Grey admitted that the question was one exclusively affecting the people of Canada and should be decided by the provincial legislature. It was the intention of the government, he informed Lord Elgin, to introduce a bill into parliament for this purpose; but action had to be deferred until another year when, as it happened unfortunately for the province, Lord John Russell's ministry was forced to resign, and was succeeded by a Conservative administration led by the Earl of Derby.

The Canadian government soon ascertained from Sir John Pakington, the new colonial secretary, that the new advisers of Her Majesty were not "inclined to give their consent and support to any arrangement the result of which would too probably be the diversion to other purposes of the only public fund . . . . which now exists for the support of divine worship and religious instruction in the colony." It was also intimated by the secretary of state that the new government was quite ready to entertain a proposal for reconsidering the mode of distributing the proceeds of the sales of the reserves, while not ready to agree to any proposal that might "divert forever from its sacred object the fund arising from that portion of the public lands of Canada which, almost from the period of the British conquest of that province, has been set apart for the religious instruction of the people." Hincks, who was at that time in England, at

once wrote to Sir John Pakington, in very emphatic terms, that he viewed "with grave apprehension the prospect of collision between Her Majesty's government and the parliament of Canada, on a question regarding which such strong feelings prevailed among the great mass of the population." The people of Canada were convinced that they were "better judges than any parties in England of what measures would best conduce to the peace and welfare of the province." As respects the proposal "for reconsidering the mode of distributing the income of the clergy reserves," Hincks had no hesitation in saying that "it would be received as one for the violation of the most sacred constitutional rights of the people."

As soon as the Canadian legislature met in 1852, Hincks carried an address to the Crown, in which it was urged that the question of the reserves was "one so exclusively affecting the people of Canada that its decision ought not to be withdrawn from the provincial legislature, to which it properly belongs to regulate all matters concerning the domestic interests of the province." The hope was expressed that Her Majesty's government would lose no time in giving effect to the promise made by the previous administration and introduce the legislation necessary "to satisfy the wishes of the Canadian people." In the debate on this address, Morin, the leader of the French section of the cabinet, clearly expressed himself in favour of the secularization of

the reserves in accordance with the views entertained by his Upper Canadian colleagues. It was consequently clear that the successors of the LaFontaine-Baldwin ministry were fully pledged to a vigorous policy for the disposal of this vexatious dispute.

A few months after Lord Elgin had forwarded this address to the Crown, the Earl of Derby's administration was defeated in the House of Commons, and the Aberdeen government was formed towards the close of 1852, with the Duke of Newcastle as secretary of state for the colonies. One of Sir John Pakington's last official acts was to prepare a despatch unfavourable to the prayer of the assembly's last address, but it was never sent to Canada, though brought down to parliament. At the same time the Canadian people heard of this despatch they were gratified by the announcement that the new ministers had decided to reverse the policy of their predecessors and to meet the wishes of the Canadian legislature. Accordingly, in the session of 1853, a measure was passed by the imperial parliament to give full power to the provincial legislature to vary or repeal all or any part of the act of 1840, and to make all necessary provisions respecting the clergy reserves or the proceeds derived from the same, on the express condition that there should be no interference with the annual stipends or allowances of existing incumbents as long as they lived. The Hincks-Morin ministry was then urged to bring in at once a

measure disposing finally of the question, in accordance with the latest imperial act; but, as we have read in a previous chapter, it came to the opinion after anxious deliberation that the existing parliament was not competent to deal with so important a question. It also held that it was a duty to obtain an immediate expression of opinion from the people, and the election of a House in which the country would be fully represented in accordance with the legislation increasing the number of representatives in the assembly.

The various political influences arrayed against Hincks in Upper Canada led to his defeat, and the formation of the MacNab-Morin Liberal-Conservative government, which at once took steps to settle the question forever. John A. Macdonald commenced this new epoch in his political career by taking charge of the bill for the secularization of the reserves. It provided for the payment of all moneys arising from the sales of the reserves into the hands of the receiver-general, who would apportion them amongst the several municipalities of the province according to population. All annual stipends or allowances, charged upon the reserves before the passage of the imperial act of 1853, were continued during the lives of existing incumbents, though the latter could commute their stipends or allowances for their value in money, and in this way create a small permanent endowment for the advantage of the church to which they belonged.

THE CONTROVERSY CLOSED

After nearly forty years of continuous agitation, during which the province of Upper Canada had been convulsed from the Ottawa to Lake Huron, and political parties had been seriously embarrassed, the question was at last removed from the sphere of party and religious controversy. The very politicians who had contended for the rights of the Anglican clergy were now forced by public opinion and their political interests to take the final steps for its settlement. Bishop Strachan's fight during the best years of his life had ended in thorough discomfiture. As the historian recalls the story of that fight, he cannot fail to come to the conclusion that the settlement of 1854 relieved the Anglican Church itself of a controversy which, as long as it existed, created a feeling of deep hostility that seriously affected its usefulness and progress. Even Lord Elgin was compelled to write in 1851 "that the tone adopted by the Church of England here has almost always had the effect of driving from her even those who would be most disposed to co-operate with her if she would allow them." At last freed from the political and the religious bitterness which was so long evoked by the absence of a conciliatory policy on the part of her leaders, this great church is able peacefully to teach the noble lessons of her faith and win that respect among all classes which was not possible under the conditions that brought her into direct conflict with the great mass of the Canadian people.

CHAPTER VIII

SEIGNIORIAL TENURE

THE government of Canada in the days of the French régime bore a close resemblance to that of a province of France. The governor was generally a noble and a soldier, but while he was invested with large military and civil authority by the royal instructions, he had ever by his side a vigilant guardian in the person of the intendant, who possessed for all practical purposes still more substantial powers, and was always encouraged to report to the king every matter that might appear to conflict with the principles of absolute government laid down by the sovereign. The superior council of Canada possessed judicial, administrative and legislative powers, but its action was limited by the decrees and ordinances of the king, and its decisions were subject to the veto of the royal council of the parent state. The intendant, generally a man of legal attainments, had the special right to issue ordinances which had the full effect of law—in the words of his commission "to order everything as he shall see just and proper." These ordinances regulated inns and markets, the building and repairs of churches and presbyteries, the construction of bridges, the maintenance of roads, and

all those matters which could affect the comfort, the convenience, and the security of the community at large. While the governmental machinery was thus modelled in a large measure on that of the provincial administration of France, the territory of the province was subject to a modified form of the old feudal system which was so long a dominant condition of the nations of Europe, and has, down to the present time left its impress on their legal and civil institutions, not even excepting Great Britain itself. Long before Jacques Cartier sailed up the River St. Lawrence this system had gradually been weakened in France under the persistent efforts of the Capets, who had eventually, out of the ruin of the feudatories, built up a monarchy which at last centralized all power in the king. The policy of the Capets had borne its full, legitimate fruit by the time Louis XIV ascended the throne. The power of the great nobles, once at the head of practically independent feudatories, had been effectually broken down, and now, for the most part withdrawn from the provinces, they ministered only to the ambition of the king, and contributed to the dissipation and extravagance of a voluptuous court.

But while those features of the ancient feudal system, which were calculated to give power to the nobles, had been eliminated by the centralizing influence of the king, the system still continued in the provinces to govern the relations between the

noblesse and the peasantry who possessed their lands on old feudal conditions regulated by the customary or civil law. These conditions were, on the whole, still burdensome. The noble who spent all his time in attendance on the court at Versailles or other royal palaces could keep his purse equal to his pleasures only by constant demands on his feudal tenants, who dared no more refuse to obey his behests than he himself ventured to flout the royal will.

Deeply engrafted as it still was on the social system of the parent state, the feudal tenure was naturally transferred to the colony of New France, but only with such modifications as were suited to the conditions of a new country. Indeed all the abuses that might hinder settlement or prevent agricultural development were carefully lopped off. Canada was given its *seigneurs*, or lords of the manor, who would pay fealty and homage to the sovereign himself, or to the feudal superior from whom they directly received their territorial estate, and they in their turn leased lands to peasants, or tillers of the soil, who held them on the modified conditions of the tenure of old France. It was not expedient, and indeed not possible, to transfer a whole body of nobles to the wilderness of the new world—they were as a class too wedded to the gay life of France—and all that could be done was to establish a feudal tenure to promote colonization, and at the same time possibly create a landed gentry who

might be a shadowy reflection of the French *noblesse*, and could, in particular cases, receive titles directly from the king himself.

This seigniorial tenure of New France was the most remarkable instance which the history of North America affords of the successful effort of European nations to reproduce on this continent the ancient aristocratic institutions of the old world. In the days when the Dutch owned the Netherlands, vast estates were partitioned out to certain "patroons," who held their property on *quasi* feudal conditions, and bore a resemblance to the *seigneurs* of French Canada. This manorial system was perpetuated under English forms when the territory was conquered by the English and transformed into the colony of New York, where it had a chequered existence, and was eventually abolished as inconsistent with the free conditions of American settlement. In the proprietary colony of Maryland the Calverts also attempted to establish a landed aristocracy, and give to the manorial lords certain rights of jurisdiction over their tenants drawn from the feudal system of Europe. For Carolina, Shaftesbury and Locke devised a constitution which provided a territorial nobility, called *landgraves* and *caciques*, but it soon became a mere historical curiosity. Even in the early days of Prince Edward Island, when it was necessary to mature a plan of colonization, it was gravely proposed to the British government that the whole

island should be divided into "hundreds," as in England, or into "baronies," as in Ireland, with courts-baron, lords of manors, courts-leet, all under the direction of a lord paramount; but while this ambitious aristocratic scheme was not favourably entertained, the imperial authorities chose one which was most injurious in its effects on the settlement of this fertile island.

It was Richelieu who introduced this modified form of the feudal system into Canada, when he constituted, in 1627, the whole of the colony as a fief of the great fur-trading company of the Hundred Associates on the sole condition of its paying fealty and homage to the Crown. It had the right of establishing seigniories as a part of its undertaking to bring four thousand colonists to the province and furnish them with subsistence for three years. Both this company and its successor, the Company of the West Indies, created a number of seigniories, but for the most part they were never occupied, and the king revoked the grants on the ground of non-settlement, when he resumed possession of the country and made it a royal province. From that time the system was regulated by the *Coutume de Paris*, by royal edicts, or by ordinances of the intendant.

The greater part of the soil of Canada was accordingly held *en fief* or *en seigneurie*. Each grant varied from sixteen *arpents*—an *arpent* being about five-sixths of an English acre—by fifty, to ten

leagues by twelve. We meet with other forms of tenure in the partition of land in the days of the French régime—for instance, *franc aleu noble* and *franc aumone* or *mortmain*, but these were exceptional grants to charitable, educational, or religious institutions, and were subject to none of the ordinary obligations of the feudal tenure, but required, as in the latter case, only the performance of certain devotional or other duties which fell within their special sphere. Some grants were also given in *franc aleu roturier*, equivalent to the English tenure of free and common socage, and were generally made for special objects.[1]

The *seigneur*, on his accession to the estate, was required to pay homage to the king, or to his feudal superior from whom he derived his lands. In case he wished to tranfer by sale or otherwise his seigniory, except in the event of direct natural succession, he had to pay under the *Coutume de Paris* —which, generally speaking, regulated such seigniorial grants—a *quint* or fifth part of the whole purchase money to his feudal superior, but he was allowed a reduction *(rabat)* of two-thirds if the money was promptly paid down. In special cases, land transfers, whether by direct succession or otherwise, were subject to the rule of *Vixen le*

[1] See on these points an excellent article on the feudal system of Canada in the *Queen's Quarterly* (Kingston, January, 1899) by Dr. W. Bennett Munro. Also *Droit de banalité*, by the same, in the report of the Am. Hist. Ass., Washington, for 1899, Vol. I.

français, which required the payment of *relief*, or one year's revenue, on all changes of ownership, or a payment of gold *(une maille d'or)*. It was obligatory on all seigniors to register their grants at Quebec, to concede or sub-infeudate them under the rule of *jeu de fief*, and settle them with as little delay as practicable. The Crown also reserved in most cases its *jura regalia* or *regalitates*, such as mines and minerals, lands for military or defensive purposes, oak timber and masts for the building of the royal ships. It does not, however, appear that military service was a condition on which the seigniors of Canada held their grants, as was the case in France under the old feudal tenure. The king and his representative in his royal province held such powers in their own hands. The seignior had as little influence in the government of the country as he had in military affairs. He might be chosen to the superior council at the royal pleasure, and was bound to obey the orders of the governor whenever the militia were called out. The whole province was formed into a militia district, so that in time of war the inhabitants might be obliged to perform military service under the royal governor or commander-in-chief of the regular forces. A captain was appointed for each parish—generally conterminous with a seigniory—and in some cases there were two or three. These captains were frequently chosen from the seigniors, many of whom —in the Richelieu district entirely—were officers

of royal regiments, notably of the Carignan-Salières. The seigniors had, as in France, the right of dispensing justice, but with the exception of the Seminary of St. Sulpice of Montreal, it was only in very rare instances they exercised their judicial powers, and then simply in cases of inferior jurisdiction *(basse justice)*. The superior council and intendant adjudicated in all matters of civil and criminal importance.

The whole success of the seigniorial system, as a means of settling the country, depended on the extent to which the seigniors were able to grant their lands *en censive* or *en roture*. The *censitaire* who held his lands in this way could not himself sub-infeudate. The grantee *en roture* was governed by the same rules as the one *en censive* except with respect to the descent of lands in cases of intestacy. All land grants to the *censitaires*—or as they preferred to call themselves in Canada, *habitants*—were invariably shaped like a parallelogram, with a narrow frontage on the river varying from two to three *arpents*, and with a depth from four to eight *arpents*. These farms, in the course of time assumed the appearance of a continuous settlement on the river and became known in local phraseology as *Côtes*—for example, Côte des Neiges, Côte St. Louis, Côte St. Paul, and many other picturesque villages on the banks of the St. Lawrence. In the first century of settlement the government induced the officers and soldiers of the Carignan-Salières regi-

ment to settle lands along the Richelieu river and to build palisaded villages for the purposes of defence against the war-like Iroquois; but, in the rural parts of the province generally, the people appear to have followed their own convenience with respect to the location of their farms and dwellings, and chose the banks of the river as affording the easiest means of intercommunication. The narrow oblong grants, made in the original settlement of the province, became narrower still as the original occupants died and their property was divided among the heirs under the civil law. Consequently at the present day the traveller who visits French Canada sees the whole country divided into extremely long and narrow parallelograms each with fences and piles of stones as boundaries in innumerable cases.

The conditions on which the *censitaire* held his land from the seignior were exceedingly easy during the greater part of the French régime. The *cens et rentes* which he was expected to pay annually, on St. Martin's day, as a rule, varied from one to two *sols* for each superficial *arpent*, with the addition of a small quantity of corn, poultry, and some other article produced on the farm, which might be commuted for cash, at current prices. The *censitaire* was also obliged to grind his corn at the seignior's mill *(moulin banal)*, and though the royal authorities at Quebec were very particular in pressing the fulfilment of this obligation, it does not appear to

have been successfully carried out in the early days of the colony on account of the inability of the seigniors to purchase the machinery, or erect buildings suitable for the satisfactory performance of a service clearly most useful to the people of the rural districts. The obligation of baking bread in the seigniorial oven was not generally exacted, and soon became obsolete as the country was settled and each *habitant* naturally built his own oven in connection with his home. The seigniors also claimed the right to a certain amount of statute labour *(corvée)* from the *habitants* on their estates, to one fish out of every dozen caught in seigniorial waters, and to a reservation of wood and stone for the construction and repairs of the manor house, mill, and church in the parish or seigniory. In case the *censitaire* wished to dispose of his holding during his lifetime, it was subject to the *lods et ventes*, or to a tax of one-twelfth of the purchase money, which had to be paid to the seignior, who usually as a favour remitted one-fourth on punctual payment. The most serious restriction on such sales was the *droit de retraite*, or right of the seignior to pre-empt the same property himself within forty days from the date of the sale.

There was, no doubt, at the establishment of the seigniorial tenure, a disposition to create in Canada, as far as possible, an aristocratic class akin to the *noblesse* of old France, who were a social order quite distinct from the industrial and commercial classes,

though they did not necessarily bear titles. Under the old feudal system the possession of land brought nobility and a title, but in the modified seigniorial system of Canada the king could alone confer titular distinctions. The intention of the system was to induce men of good social position—like the *gentilshommes* or officers of the Carignan regiment—to settle in the country and become seigniors. However, the latter were not confined to this class, for the title was rapidly extended to shopkeepers, farmers, sailors, and even mechanics who had a little money and were ready to pay for the cheap privilege of becoming nobles in a small way. Titled seigniors were very rare at any time in French Canada. In 1671, Des Islets, Talon's seigniory, was erected into a barony, and subsequently into an earldom (Count d'Orsainville). François Berthelot's seigniory of St. Laurent on the Island of Orleans was made in 1676 an earldom, and that of Portneuf, Réné Robineau's, into a barony. The only title which has come down to the present time is that of the Baron de Longueuil, which was first conferred on the distinguished Charles LeMoyne in 1700, and has been officially recognized by the British government since December, 1880.

The established seigniorial system bore conclusive evidence of the same paternal spirit which sent shiploads of virtuous young women (sometimes *marchandises mêlées*) to the St. Lawrence to become wives of the forlorn Canadian bachelors, gave trousseaux

of cattle and kitchen utensils to the newly wed, and encouraged by bounties the production of children. The seigniories were the ground on which these paternal methods of creating a farming community were to be developed, but despite the wise intentions of the government the whole machinery was far from realizing the results which might reasonably have been expected from its operation. The land was easily acquired and cheaply held, facilities were given for the grinding of grain and the making of flour; fish and game were quickly taken by the skilful fisherman and enterprising hunter, and the royal officials generally favoured the *habitants* in disputes with the seigniors.

Unlike the large grants made by the British government after the conquest to loyalists, Protestant clergy, and speculators—grants calculated to keep large sections of the country in a state of wildness — the seigniorial estates had to be cultivated and settled within a reasonable time if they were to be retained by the occupants. During the French dominion the Crown sequestrated a number of seigniories for the failure to observe the obligation of cultivation. As late as 1741 we find an ordinance restoring seventeen estates to the royal domain, although the Crown was ready to reinstate the former occupants the moment they showed that they intended to perform their duty of settlement. But all the care that was taken to encourage settlement was for a long time

without large results, chiefly in consequence of the nomadic habits of the young men on the seigniories. The fur trade, from the beginning to the end of French dominion, was a serious bar to steady industry on the farm. The young *gentilhomme* as well as the young *habitant* loved the free life of the forest and river better than the monotonous work of the farm. He preferred too often making love to the impressionable dusky maiden of the wigwam rather than to the stolid, devout damsel imported for his kind by priest or nun. A raid on some English post or village had far more attraction than following the plough or threshing the grain. This adventurous spirit led the young Frenchman to the western prairies where the Red and Assiniboine waters mingle, to the foot-hills of the Rocky Mountains, to the Ohio and Mississippi, and to the Gulf of Mexico. But while Frenchmen in this way won eternal fame, the seigniories were too often left in a state of savagery, and even those *seigneurs* and *habitants* who devoted themselves successfully to pastoral pursuits found themselves in the end harassed by the constant calls made upon their military services during the years the French fought to retain the imperial domain they had been the first to discover and occupy in the great valleys of North America. Still, despite the difficulties which impeded the practical working of the seigniorial system, it had on the whole an excellent effect on the social conditions of the country. It created a

friendly and even parental relation between *seigneur*, *curé*, and *habitant*, who on each estate constituted as it were a seigniorial family, united to each other by common ties of self-interest and personal affection. If the system did not create an energetic self-reliant people in the rural communities, it arose from the fact that it was not associated with a system of local self-government like that which existed in the colonies of England. The French king had no desire to see such a system develop in the colonial dependencies of France. His governmental system in Canada was a mild despotism intended to create a people ever ready to obey the decrees and ordinances of royal officials, over whom the commonalty could exercise no control whatever in such popular elective assemblies as were enjoyed by every colony of England in North America.

During the French régime the officials of the French government frequently repressed undue or questionable exactions imposed, or attempted to be imposed, on the *censitaires* by greedy or extravagant seigniors. It was not until the country had been for some time in the possession of England that abuses became fastened on the tenure, and retarded the agricultural and industrial development of the province. The *cens et rentes* were unduly raised, the *droit de banalité* was pressed to the extent that if a *habitant* went to a better or more convenient mill than the seignior's, he had to

pay tolls to both, the transfer of property was hampered by the *lods et ventes* and the *droit de retraite*, and the claim always made by the seigniors to the exclusive use of the streams running by or through the seigniories was a bar to the establishment of industrial enterprise. Questions of law which arose between the *seigneur* and *habitant* and were referred to the courts were decided in nearly all cases in favour of the former. In such instances the judges were governed by precedent or by a strict interpretation of the law, while in the days of French dominion the intendants were generally influenced by principles of equity in the disputes that came before them, and by a desire to help the weaker litigant, the *censitaire*.

It took nearly a century after the conquest before it was possible to abolish a system which had naturally become so deeply rooted in the social and economic conditions of the people of French Canada. As the abuses of the tenure became more obvious, discontent became widespread, and the politicians after the union were forced at last to recognize the necessity of a change more in harmony with modern principles. Measures were first passed better to facilitate the optional commutation of the tenure of lands *en roture* into that of *franc aleu roturier*, but they never achieved any satisfactory results. LaFontaine did not deny the necessity for a radical change in the system, but he was too much wedded to the old institutions of his

native province to take the initiative for its entire removal. Mr. Louis Thomas Drummond, who was attorney-general in both the Hincks-Morin and MacNab-Morin ministries, is deserving of honourable mention in Canadian history for the leading part he took in settling this very perplexing question. I have already shown that his first attempt in 1853 failed in consequence of the adverse action of the legislative council, and that no further steps were taken in the matter until the coming into office of the MacNab or Liberal-Conservative government in 1854, when he brought a bill into parliament to a large extent a copy of the first. This bill became law after it had received some important amendments in the upper House, where there were a number of representatives of seigniorial interests, now quite reconciled to the proposed change and prepared to make the best of it. It abolished all feudal rights and duties in Lower Canada, "whether bearing upon the *censitaire* or *seigneur*," and provided for the appointment of commissioners to enquire into the respective rights of the parties interested. In order to enable them to come to correct conclusions with respect to these rights, all questions of law were first submitted to a seigniorial court composed of the judges of the Queen's Bench and Superior Court in Lower Canada. The commissioners under this law were as follows:—Messrs. Chabot, H. Judah, S. Lelièvre, L. Archambault, N. Dumas, J. G. Turcotte, C.

Delagrave, P. Winter, J. G. Lebel, and J. B. Varin. The judges of the seigniorial court were:—Chief Justice Sir Louis H. LaFontaine, president; Judges Bowen, Aylwin, Duval, Caron, Day, Smith, Vanfelson, Mondelet, Meredith, Short, Morin, and Badgley. Provision was also made by parliament for securing compensation to the seigniors for the giving up of all legal rights of which they were deprived by the decision of the commissioners. It took five years of enquiry and deliberation before the commissioners were able to complete their labours, and then it was found necessary to vote other funds to meet all the expenses entailed by a full settlement of the question.

The result was that all lands previously held *en fief*, *en arrière fief*, *en censive*, or *en roture*, under the old French system, were henceforth placed on the footing of lands in the other provinces, that is to say, free and common socage. The seigniors received liberal remuneration for the abolition of the *lods et ventes*, *droit de banalité*, and other rights declared legal by the court. The *cens et ventes* had alone to be met as an established rent *(rente constituée)* by the *habitant*, but even this change was so modified and arranged as to meet the exigencies of the *censitaires*, the protection of whose interests was at the basis of the whole law abolishing this ancient tenure. This radical change cost the country from first to last over ten million dollars, including a large indemnity paid to Upper Canada

for its proportion of the fund taken from public revenues of the united provinces to meet the claims of the seigniors and the expenses of the commission. The money was well spent in bringing about so thorough a revolution in so peaceable and conclusive a manner. The *habitants* of the east were now as free as the farmers of the west. The seigniors themselves largely benèfited by the capitalization in money of their old rights, and by the untrammelled possession of land held *en franc aleu roturier*. Although the seigniorial tenure disappeared from the social system of French Canada nearly half a century ago, we find enduring memorials of its existence in such famous names as these:—Nicolet, Verchères, Lotbinière, Berthier, Rouville, Joliette, Terrebonne, Sillery, Beaupré, Bellechasse, Portneuf, Chambly, Sorel, Longueuil, Boucherville, Chateauguay, and many others which recall the seigniors of the old régime.

CHAPTER IX

CANADA AND THE UNITED STATES

IN a long letter which he wrote to Earl Grey in August, 1850, Lord Elgin used these significant words: "To render annexation by violence impossible, or by any other means improbable as may be, is, as I have often ventured to repeat, the polar star of my policy." To understand the full significance of this language it is only necessary to refer to the history of the difficulties with which the governor-general had to contend from the first hour he came to the province and began his efforts to allay the feeling of disaffection then too prevalent throughout the country—especially among the commercial classes—and to give encouragement to that loyal sentiment which had been severely shaken by the indifference or ignorance shown by British statesmen and people with respect to the conditions and interests of the Canadas. He was quite conscious that, if the province was to remain a contented portion of the British empire, it could be best done by giving full play to the principles of self-government among both nationalities who had been so long struggling to obtain the application of the parliamentary system of England in the fullest sense to the operation of their own

internal affairs, and by giving to the industrial and commercial classes adequate compensation for the great losses which they had sustained by the sudden abolition of the privileges which England had so long extended to Canadian products—notably, flour, wheat and lumber—in the British market.

Lord Elgin knew perfectly well that, while this discontent existed, the party which favoured annexation would not fail to find sympathy and encouragement in the neighbouring republic. He recalled the fact that both Papineau and Mackenzie, after the outbreak of their abortive rebellion, had many abettors across the border, as the infamous raids into Canada clearly proved. Many people in the United States, no doubt, saw some analogy between the grievances of Canadians and those which had led to the American revolution. "The mass of the American people," said Lord Durham, "had judged of the quarrel from a distance; they had been obliged to form their judgment on the apparent grounds of the controversy; and were thus deceived, as all those are apt to be who judge under such circumstances, and on such grounds. The contest bore some resemblance to that great struggle of their own forefathers, which they regard with the highest pride. Like that, they believed it to be the contest of a colony against the empire, whose misconduct alienated their own country; they considered it to be a contest undertaken by a people professing to seek independence of distant

control, and extension of popular privileges." More than that, the striking contrast which was presented between Canada and the United States "in respect to every sign of productive industry, increasing wealth, and progressive civilization" was considered by the people of the latter country to be among the results of the absence of a political system which would give expansion to the energies of the colonists and make them self-reliant in every sense.

Lord Durham's picture of the condition of things in 1838-9 was very painful to Canadians, although it was truthful in every particular. "On the British side of the line," he wrote, "with the exception of a few favoured spots, where some approach to American prosperity is apparent, all seems waste and desolate." But it was not only "in the difference between the larger towns on the two sides" that we could see "the best evidence of our own inferiority." That "painful and undeniable truth was most manifest in the country districts through which the line of national separation passes for one thousand miles." Mrs. Jameson in her "Winter Studies and Summer Rambles," written only a year or two before Lord Durham's report, gives an equally unfavourable comparison between the Canadian and United States sides of the western country. As she floated on the Detroit river in a little canoe made of a hollow tree, and saw on one side "a city with its towers, and spires, and animated population," and on the other "a

little straggling hamlet with all the symptoms of apathy, indolence, mistrust, hopelessness," she could not help wondering at this "incredible difference between the two shores," and hoping that some of the colonial officials across the Atlantic would be soon sent "to behold and solve the difficulty."

But while Lord Durham was bound to emphasize this unsatisfactory state of things he had not lost his confidence in the loyalty of the mass of the Canadian people, notwithstanding the severe strain to which they had been subject on account of the supineness of the British government to deal vigorously and promptly with grievances of which they had so long complained as seriously affecting their connection with the parent state and the development of their material resources. It was only necessary, he felt, to remove the causes of discontent to bring out to the fullest extent the latent affection which the mass of French and English Canadians had been feeling for British connection ever since the days when the former obtained guarantees for the protection of their dearest institutions and the Loyalists of the American Revolution crossed the frontier for the sake of Crown and empire. "We must not take every rash expression of disappointment," wrote Lord Durham, "as an indication of a settled aversion to the existing constitution; and my own observation convinces me that the predominant feeling of all the British population of the North

American colonies is that of devoted attachment to the mother country. I believe that neither the interests nor the feelings of the people are incompatible with a colonial government, wisely and popularly administered." His strong conviction then was that if connection with Great Britain was to be continuous, if every cause of discontent was to be removed, if every excuse for interference "by violence on the part of the United States" was to be taken away, if Canadian annexationists were no longer to look for sympathy and aid among their republican neighbours, the Canadian people must be given the full control of their own internal affairs, while the British government on their part should cease that constant interference which only irritated and offended the colony. "It is not by weakening," he said, "but strengthening the influence of the people on the government; by confining within much narrower bounds than those hitherto allotted to it, and not by extending the interference of the imperial authorities in the details of colonial affairs, that I believe that harmony is to be restored, where dissension has so long prevailed; and a regularity and vigour hitherto unknown, introduced into the administration of these provinces." And he added that if the internal struggle for complete self-government were renewed "the sympathy from without would at some time or other re-assume its former strength."

Lord Elgin appeared on the scene at the very

time when there was some reason for a repetition of that very struggle, and a renewal of that very "sympathy from without" which Lord Durham imagined. The political irritation, which had been smouldering among the great mass of Reformers since the days of Lord Metcalfe, was seriously aggravated by the discontent created by commercial ruin and industrial paralysis throughout Canada as a natural result of Great Britain's ruthless fiscal policy. The annexation party once more came to the surface, and contrasts were again made between Canada and the United States seriously to the discredit of the imperial state. "The plea of self-interest," wrote Lord Elgin in 1849, "the most powerful weapon, perhaps, which the friends of British connection have wielded in times past, has not only been wrested from my hands but transferred since 1846 to those of the adversary." He then proceeded to contrast the condition of things on the two sides of the Niagara, only "spanned by a narrow bridge, which it takes a foot passenger about three minutes to cross." The inhabitants on the Canadian side were "for the most part United Empire Loyalists" and differed little in habits or modes of thought and expression from their neighbours. Wheat, their staple product, grown on the Canadian side of the line, "fetched at that time in the market from 9d. to 1s. less than the same article grown on the other." These people had protested against the Montreal annexation move-

ment, but Lord Elgin was nevertheless confident that the large majority firmly believed "that their annexation to the United States would add one-fourth to the value of the produce of their farms."

In dealing with the causes of discontent Lord Elgin came to exactly the same conclusion which, as I have just shown, was accepted by Lord Durham after a close study of the political and material conditions of the country. He completed the work of which his eminent predecessor had been able only to formulate the plan. By giving adequate scope to the practice of responsible government, he was able to remove all causes for irritation against the British government, and prevent annexationists from obtaining any sympathy from that body of American people who were always looking for an excuse for a movement—such a violent movement as suggested by Lord Elgin in the paragraph given above—which would force Canada into the states of the union. Having laid this foundation for a firm and popular government, he proceeded to remove the commercial embarrassment by giving a stimulus to Canadian trade by the repeal of the navigation laws, and the adoption of reciprocity with the United States. The results of his efforts were soon seen in the confidence which all nationalities and classes of the Canadian people felt in the working of their system of government, in the strengthening of the ties between the imperial state and the dependency,

and in the decided stimulus given to the shipping and trade throughout the provinces of British North America.

I have already in the previous chapters of this book dwelt on the methods which Lord Elgin so successfully adopted to establish responsible government in accordance with the wishes of the Canadian people, and it is now only necessary to refer to his strenuous efforts during six years to obtain reciprocal trade between Canada and the United States. It was impossible at the outset of his negotiations to arouse any active interest among the politicians of the republic as long as they were unable to see that the proposed treaty would be to the advantage of their particular party or of the nation at large. No party in congress was ready to take it up as a political question and give it that impulse which could be best given by a strong partisan organization. The Canadian and British governments could not get up a "lobby" to press the matter in the ways peculiar to professional politicians, party managers, and great commercial or financial corporations. Mr. Hincks brought the powers of his persuasive tongue and ingenious intellect to bear on the politicians at Washington, but even he with all his commercial acuteness and financial knowledge was unable to accomplish anything. It was not until Lord Elgin himself went to the national capital and made use of his diplomatic tact and amenity of demeanour that a successful

result was reached. No governor-general who ever visited the United States made so deep an impression on its statesmen and people as was made by Lord Elgin during this mission to Washington, and also in the course of the visits he paid to Boston and Portland where he spoke with great effect on several occasions. He won the confidence and esteem of statesmen and politicians by his urbanity, dignity, and capacity for business. He carried away his audiences by his exhibition of a high order of eloquence, which evoked the admiration of those who had been accustomed to hear Webster, Everett, Wendell Phillips, Choate, and other noted masters of oratory in America.

He spoke at Portland after his success in negotiating the treaty, and was able to congratulate both Canada and the United States on the settlement of many questions which had too long alienated peoples who ought to be on the most friendly terms with each other. He was now near the close of his Canadian administration and was able to sum up the results of his labours. The discontent with which the people of the United States so often sympathized had been brought to an end "by granting to Canadians what they desired—the great principle of self-government." "The inhabitants of Canada at this moment," he went on to say, "exercise as much influence over their own destinies and government as do the people of the United States. This is the only cause of misunderstanding

that ever existed; and this cannot arise when the circumstances which made them at variance have ceased to exist."

The treaty was signed on June 5th, 1854, by Lord Elgin on the part of Great Britain, and by the Honourable W. L. Marcy, secretary of state, on behalf of the United States, but it did not legally come into force until it had been formally ratified by the parliament of Great Britain, the congress of the United States, and the several legislatures of the British provinces. It exempted from customs duties on both sides of the line certain articles which were the growth and produce of the British colonies and of the United States—the principal being grain, flour, breadstuffs, animals, fresh, smoked, and salted meats, fish, lumber of all kinds, poultry, cotton, wool, hides, ores of metal, pitch, tar, ashes, flax, hemp, rice, and unmanufactured tobacco. The people of the United States and of the British provinces were given an equal right to navigate the St. Lawrence river, the Canadian canals and Lake Michigan. No export duty could be levied on lumber cut in Maine and passing down the St. John or other streams in New Brunswick. The most important question temporarily settled by the treaty was the fishery dispute which had been assuming a troublesome aspect for some years previously. The government at Washington then began to raise the issue that the three mile limit to which their fishermen could be confined

should follow the sinuosities of the coasts, including bays; the object being to obtain access to the valuable mackerel fisheries of the Bay of Chaleurs and other waters claimed to be exclusively within the territorial jurisdiction of the maritime provinces. The imperial government generally sustained the contention of the provinces—a contention practically supported by the American authorities in the case of Delaware, Chesapeake, and other bays on the coasts of the United States—that the three mile limit should be measured from a line drawn from headland to headland of all bays, harbours, and creeks. In the case of the Bay of Fundy, however, the imperial government allowed a departure from this general principle when it was urged by the Washington government that one of its headlands was in the territory of the United States, and that it was an arm of the sea rather than a bay. The result was that foreign fishing vessels were shut out only from the bays on the coasts of Nova Scotia and New Brunswick within the Bay of Fundy. All these questions were, however, placed in abeyance for twelve years, by the Reciprocity Treaty of 1854, which provided that the inhabitants of the United States could take fish of any kind, except shell fish, on the sea coasts, and shores, in the bays, harbours, and creeks of any British province, without any restriction as to distance, and had also permission to land on these coasts and shores for the purpose of drying their nets and

curing their fish. The same privileges were extended to British citizens on the eastern sea coasts and shores of the United States, north of the 36th parallel of north latitude—privileges of no practical value to the people of British North America compared with those they gave up in their own prolific waters. The farmers of the agricultural west accepted with great satisfaction a treaty which gave their products free access to their natural market, but the fishermen and seamen of the maritime provinces, especially of Nova Scotia, were for some time dissatisfied with provisions which gave away their most valuable fisheries without adequate compensation, and at the same time refused them the privilege—a great advantage to a ship-building, ship-owning province—of the coasting trade of the United States on the same terms which were allowed to American and British vessels on the coasts of British North America. On the whole, however, the treaty eventually proved of benefit to all the provinces at a time when trade required just such a stimulus as it gave in the markets of the United States. The aggregate interchange of commodities between the two countries rose from an annual average of $14,230,763 in the years previous to 1854 to $33,492,754 gold currency, in the first year of its existence; to $42,944,754 gold currency, in the second year; to $50,339,770 gold currency in the third year; and to no less a sum than $84,070,955 at war prices, in the thirteenth

year when it was terminated by the United States in accordance with the provision, which allowed either party to bring it to an end after a due notice of twelve months at the expiration of ten years or of any longer time it might remain in force. Not only was a large and remunerative trade secured between the United States and the provinces, but the social and friendly intercourse of the two countries necessarily increased with the expansion of commercial relations and the creation of common interests between them. Old antipathies and misunderstandings disappeared under the influence of conditions which brought these communities together and made each of them place a higher estimate on the other's good qualities. In short, the treaty in all respects fully realized the expectations of Lord Elgin in working so earnestly to bring it to a successful conclusion.

However, it pleased the politicians of the United States, in a moment of temper, to repeal a treaty which, during its existence, gave a balance in favour of the commercial and industrial interests of the republic, to the value of over $95,000,000 without taking into account the value of the provincial fisheries from which the fishermen of New England annually derived so large a profit. Temper, no doubt, had much to do with the action of the United States government at a time when it was irritated by the sympathy extended to the Confederate States by many persons in the provinces as well

as in Great Britain—notably by Mr. Gladstone himself. No doubt it was thought that the repeal of the treaty would be a sort of punishment to the people of British North America. It was even felt—as much was actually said in congress—that the result of the sudden repeal of the treaty would be the growth of discontent among those classes in Canada who had begun to depend upon its continuance, and that sooner or later there would arise a cry for annexation with a country from which they could derive such large commercial advantages. Canadians now know that the results have been very different from those anticipated by statesmen and journalists on the other side of the border. Instead of starving Canada and forcing her into annexation, they have, by the repeal of the Reciprocity Treaty, and by their commercial policy ever since, materially helped to stimulate her self-reliance, increase her commerce with other countries, and make her largely a self-sustaining, independent country. Canadians depend on themselves—on a self-reliant, enterprising policy of trade—not on the favour or caprice of any particular nation. They are always quite prepared to have the most liberal commercial relations with the United States, but at the same time feel that a reciprocity treaty is no longer absolutely essential to their prosperity, and cannot under any circumstances have any particular effect on the political destiny of the Canadian confederation whose strength and unity are at length so well assured.

CHAPTER X

FAREWELL TO CANADA

LORD ELGIN assumed the governor-generalship of Canada on January 30th, 1847, and gave place to Sir Edmund Head on December 19th, 1854. The address which he received from the Canadian legislature on the eve of his departure gave full expression to the golden opinions which he had succeeded in winning from the Canadian people during his able administration of nearly eight years. The passionate feeling which had been evoked during the crisis caused by the Rebellion Losses Bill had gradually given way to a true appreciation of the wisdom of the course that he had followed under such exceptionally trying circumstances, and to the general conviction that his strict observance of the true forms and methods of constitutional government had added strength and dignity to the political institutions of the country and placed Canada at last in the position of a semi-independent nation. The charm of his manner could never fail to captivate those who met him often in social life, while public men of all parties recognized his capacity for business, the sincerity of his convictions, and the absence of a spirit of intrigue in connection with the administration of public affairs

and his relations with political parties. He received evidences on every side that he had won the confidence and respect and even affection of all nationalities, classes, and creeds in Canada. In the very city where he had been maltreated and his life itself endangered, he received manifestations of approval which were full compensation for the mental sufferings to which he was subject in that unhappy period of his life, when he proved so firm, courageous and far-sighted. In well chosen language—always characteristic of his public addresses—he spoke of the cordial reception he had met with, when he arrived a stranger in Montreal, of the beauty of its surroundings, of the kind attention with which its citizens had on more than one occasion listened to the advice he gave to their various associations, of the undaunted courage with which the merchants had promoted the construction of that great road which was so necessary to the industrial development of the province, of the patriotic energy which first gathered together such noble specimens of Canadian industry from all parts of the country, and had been the means of making the great World's Fair so serviceable to Canada; and then as he recalled the pleasing incidents of the past, there came to his mind a thought of the scenes of 1849, but the sole reference he allowed himself was this: "And I shall forget—but no, what I might have to forget is forgotten already, and therefore I cannot tell you what I shall forget."

HIS FAREWELL SPEECH

The last speech which he delivered in the picturesque city of Quebec gave such eloquent expression to the feelings with which he left Canada, is such an admirable example of the oratory with which he so often charmed large assemblages, that I give it below in full for the perusal of Canadians of the present day who had not the advantage of hearing him in the prime of his life.

"I wish I could address you in such strains as I have sometimes employed on similar occasions—strains suited to a festive meeting; but I confess I have a weight on my heart and it is not in me to be merry. For the last time I stand before you in the official character which I have borne for nearly eight years. For the last time I am surrounded by a circle of friends with whom I have spent some of the most pleasant days of my life. For the last time I welcome you as my guests to this charming residence which I have been in the habit of calling my home.[1] I did not, I will frankly confess it, know what it would cost me to break this habit, until the period of my departure approached, and I began to feel that the great interests which have so long engrossed my attention and thoughts were passing out of my hands. I had a hint of what my feelings really were upon this point—a pretty broad hint too—one lovely morning in June last, when I returned to Quebec after my temporary absence in England, and landed in the coves below Spencer-

[1] "Spencerwood," the governor's private residence.

wood (because it was Sunday and I did not want to make a disturbance in the town), and when with the greetings of the old people in the coves who put their heads out of the windows as I passed along, and cried 'Welcome home again,' still ringing in my ears, I mounted the hill and drove through the avenue to the house door, I saw the drooping trees on the lawn, with every one of which I was so familiar, clothed in the tenderest green of spring, and the river beyond, calm and transparent as a mirror, and the ships fixed and motionless as statues on its surface, and the whole landscape bathed in that bright Canadian sun which so seldom pierces our murky atmosphere on the other side of the Atlantic. I began to think that persons were to be envied who were not forced by the necessities of their position to quit these engrossing interests and lovely scenes, for the purpose of proceeding to distant lands, but who are able to remain among them until they pass to that quiet corner of the garden of Mount Hermon, which juts into the river and commands a view of the city, the shipping, Point Levi, the Island of Orleans, and the range of the Laurentine; so that through the dim watches of that tranquil night which precedes the dawning of the eternal day, the majestic citadel of Quebec, with its noble train of satellite hills, may seem to rest forever on the sight, and the low murmur of the waters of St. Lawrence, with the hum of busy life on their surface, to fall ceaselessly on

the ear. I cannot bring myself to believe that the future has in store for me any interests which will fill the place of those I am now abandoning. But although I must henceforward be to you as a stranger, although my official connection with you and your interests will have become in a few days matter of history, yet I trust that through some one channel or other, the tidings of your prosperity and progress may occasionally reach me; that I may hear from time to time of the steady growth and development of those principles of liberty and order, of manly independence in combination with respect for authority and law, of national life in harmony with British connection, which it has been my earnest endeavour, to the extent of my humble means of influence, to implant and to establish. I trust, too, that I shall hear that this House continues to be what I have ever sought to render it, a neutral territory, on which persons of opposite opinions, political and religious, may meet together in harmony and forget their differences for a season. And I have good hope that this will be the case for several reasons, and, among others, for one which I can barely allude to, for it might be an impertinence in me to dwell upon it. But I think that without any breach of delicacy or decorum I may venture to say that many years ago, when I was much younger than I am now, and when we stood towards each other in a relation somewhat different from that which has recently subsisted

between us, I learned to look up to Sir Edmund Head with respect, as a gentleman of the highest character, the greatest ability, and the most varied accomplishments and attainments. And now, ladies and gentlemen, I have only to add the sad word—Farewell. I drink this bumper to the health of you all, collectively and individually. I trust that I may hope to leave behind me some who will look back with feelings of kindly recollection to the period of our intercourse; some with whom I have been on terms of immediate official connection, whose worth and talents I have had the best means of appreciating, and who could bear witness at least, if they please to do so, to the spirit, intentions, and motives with which I have administered your affairs; some with whom I have been bound by the ties of personal regard. And if reciprocity be essential to enmity, then most assuredly I can leave behind me no enemies. I am aware that there must be persons in so large a society as this, who think that they have grievances to complain of, that due consideration has not in all cases been shown to them. Let them believe me, and they ought to believe me, for the testimony of a dying man is evidence, even in a court of justice, let them believe me, then, when I assure them, in this the last hour of my agony, that no such errors of omission or commission have been intentional on my part. Farewell, and God bless you."

Before I proceed to review some features of his administration in Canada, to which it has not been

possible to do adequate justice in previous chapters of this book, I must very briefly refer to the eminent services which he was able to perform for the empire before he closed his useful life amid the shadows of the Himalayas. On his return to England he took his seat in the House of Lords, but he gave very little attention to politics or legislation. On one occasion, however, he expressed a serious doubt as to the wisdom of sending to Canada large bodies of troops, which had come back from the Crimea, on the ground that such a proceeding might complicate the relations of the colony with the United States, and at the same time arrest its progress towards self-independence in all matters affecting its internal order and security.

This opinion was in unison with the sentiments which he had often expressed to the secretary of state during his term of office in America. While he always deprecated any hasty withdrawal of imperial troops from the dependency as likely at that time to imperil its connection with the mother country, he believed most thoroughly in educating Canadians gradually to understand the large measure of responsibility which attached to self-government. He was of opinion "that the system of relieving colonists altogether from the duty of self-defence must be attended with injurious effects upon themselves." "It checks," he continued, "the growth of national and manly morals. Men seldom think anything worth preserving for which they are

never asked to make a sacrifice." His view was that, while it was desirable to remove imperial troops gradually and throw the responsibility of self-defence largely upon Canada, "the movement in that direction should be made with due caution." "The present"—he was writing to the secretary of state in 1848 when Canadian affairs were still in an unsatisfactory state—"is not a favourable moment for experiments. British statesmen, even secretaries of state, have got into the habit lately of talking of the maintenance of the connection between Great Britain and Canada with so much indifference, that a change of system in respect to military defence incautiously carried out might be presumed by many to argue, on the part of the mother country, a disposition to prepare the way for separation." And he added three years later: "If these communities are only truly attached to the connection and satisfied of its permanence (and as respects the latter point, opinions here will be much influenced by the tone of statesmen at home), elements of self-defence, not moral elements only, but material elements likewise, will spring up within them spontaneously as the product of movements from within, not of pressure from without. Two millions of people in a northern latitude can do a good deal in the way of helping themselves, when their hearts are in the right place." Before two decades of years had passed away, the foresight of these suggestions was clearly shown. Canada had become a part of a

British North American confederation, and with the development of its material resources, the growth of a national spirit of self-reliance, the new Dominion, thus formed, was able to relieve the parent state of the expenses of self-defence, and come to her aid many years later when her interests were threatened in South Africa. If Canada has been able to do all this, it has been owing to the growth of that spirit of self-reliance—of that principle of self-government—which Lord Elgin did his utmost to encourage. We can then well understand that Lord Elgin, in 1855, should have contemplated with some apprehension the prospect of largely increasing the Canadian garrisons at a time when Canadians were learning steadily and surely to cultivate the national habit of depending upon their own internal resources in their working out of the political institutions given them by England after years of agitation, and even suffering, as the history of the country until 1840 so clearly shows. It is also easy to understand that Lord Elgin should have regarded the scheme in contemplation as likely to create a feeling of doubt and suspicion as to the motives of the imperial government in the minds of the people of the United States. He recalled naturally his important visit to that country, where he had given eloquent expression, as the representative of the British Crown, to his sanguine hopes for the continuous amity of peoples allied to each other by so many ties of kindred

and interest, and had also succeeded after infinite labour in negotiating a treaty so well calculated to create a common sympathy between Canada and the republic, and stimulate that friendly intercourse which would dispel many national prejudices and antagonisms which had unhappily arisen between these communities in the past. The people of the United States might well, he felt, see some inconsistency between such friendly sentiments and the sending of large military reinforcements to Canada.

In the spring of 1857 Lord Elgin accepted from Lord Palmerston a delicate mission to China at a very critical time when the affair of the lorcha "Arrow" had led to a serious rupture between that country and Great Britain. According to the British statement of the case, in October, 1856, the Chinese authorities at Canton seized the lorcha although it was registered as a British vessel, tore down the British flag from its masthead, and carried away the crew as prisoners. On the other hand the Chinese claimed that they had arrested the crew, who were subjects of the emperor, as pirates, that the British ownership had lapsed some time previously, and that there was no flag flying on the vessel at the time of its seizure. The British representatives in China gave no credence to these explanations but demanded not only a prompt apology but also the fulfilment of "long evaded treaty obligations." When these peremptory demands were not at once complied with, the British

proceeded in a very summary manner to blow up Chinese forts, and commit other acts of war, although the Chinese only offered a passive resistance to these efforts to bring them to terms of abject submission. Lord Palmerston's government was condemned in the House of Commons for the violent measures which had been taken in China, but he refused to submit to a vote made up, as he satirically described it, "of a fortuitous concourse of atoms," and appealed to the country, which sustained him. While Lord Elgin was on his way to China, he heard the news of the great mutiny in India, and received a letter from Lord Canning, then governor-general, imploring him to send some assistance from the troops under his direction. He at once sent "instructions far and wide to turn the transports back and give Canning the benefit of the troops for the moment." It is impossible, say his contemporaries, to exaggerate the importance of the aid which he so promptly gave at the most critical time in the Indian situation. "Tell Lord Elgin," wrote Sir William Peel, the commander of the famous Naval Brigade at a later time, "that it was the Chinese expedition which relieved Lucknow, relieved Cawnpore, and fought the battle of December 6th." But this patriotic decision delayed somewhat the execution of Lord Elgin's mission to China. It was nearly four months after he had despatched the first Chinese contingent to the relief of the Indian authorities, that another

body of troops arrived in China and he was able to proceed vigorously to execute the objects of his visit to the East. After a good deal of fighting and bullying, Chinese commissioners were induced in the summer of 1859 to consent to sign the Treaty of Tientsin, which gave permission to the Queen of Great Britain to appoint, if she should see fit, an ambassador who might reside permanently at Pekin, or visit it occasionally according to the pleasure of the British government, guaranteed protection to Protestants and Roman Catholics alike, allowed British subjects to travel to all parts of the empire, under passports signed by British consuls, established favourable conditions for the protection of trade by foreigners, and indemnified the British government for the losses that had been sustained at Canton and for the expenses of the war.

Lord Elgin then paid an official visit to Japan, where he was well received and succeeded in negotiating the Treaty of Yeddo, which was a decided advance on all previous arrangements with that country, and prepared the way for larger relations between it and England. On his return to bring the new treaty to a conclusion, he found that the commissioners who had gone to obtain their emperor's full consent to its provisions, seemed disposed to call into question some of the privileges which had been already conceded, and he was consequently forced to assume that peremptory tone which experience of the Chinese has shown

can alone bring them to understand the full measure of their responsibilities in negotiations with a European power. However, he believed he had brought his mission to a successful close, and returned to England in the spring of 1859.

How little interest was taken in those days in Canadian affairs by British public men and people, is shown by some comments of Mr. Walrond on the incidents which signalized Lord Elgin's return from China. "When he returned in 1854 from the government of Canada," this writer naively admits, "there were comparatively few persons in England who knew anything of the great work he had done in the colony. But his brilliant successes in the East attracted public interest and gave currency to his reputation." He accepted the position of postmaster-general in the administration just formed by Lord Palmerston, and was elected Lord Rector of Glasgow; but he had hardly commenced to study the details of his office, and enjoy the amenities of the social life of Great Britain, when he was again called upon by the government to proceed to the East, where the situation was once more very critical. The duplicity of the Chinese in their dealings with foreigners had soon shown itself after his departure from China, and he was instructed to go back as Ambassador Extraordinary to that country, where a serious rupture had occurred between the English and Chinese while an expedition of the former was on its way to Pekin to obtain the

formal ratification of the Treaty of Tientsin. The French government, which had been a party to that treaty, sent forces to coöperate with those of Great Britain in obtaining prompt satisfaction for an attack made by the Chinese troops on the British at the Peiho, the due ratification of the Treaty of Tientsin, and payment of an indemnity to the allies for the expenses of their military operations.

The punishment which the Chinese received for their bad faith and treachery was very complete. Yuen-ming-yuen, the emperor's summer palace, one of the glories of the empire, was levelled to the ground as a just retribution for treacherous and criminal acts committed by the creatures of the emperor at the very moment it was believed that the negotiations were peacefully terminated. Five days after the burning of the palace, the treaty was fully ratified between the emperor's brother and Lord Elgin, and full satisfaction obtained from the imperial authorities at Pekin for their shameless disregard of their solemn engagements. The manner in which the British ambassador discharged the onerous duties of his mission, met with the warm approval of Her Majesty's government and when he was once more in England he was offered by the prime minister the governor-generalship of India.

He accepted this great office with a full sense of the arduous responsibilities which it entailed upon him, and said good-bye to his friends with words which showed that he had a foreboding that he

might never see them again—words which proved unhappily to be too true. He went to the discharge of his duties in India in that spirit of modesty which was always characteristic of him. "I succeeded," he said, "to a great man (Lord Canning) and a great war, with a humble task to be humbly discharged." His task was indeed humble compared with that which had to be performed by his eminent predecessors, notably by Earl Canning, who had established important reforms in the land tenure, won the confidence of the feudatories of the Crown, and reorganized the whole administration of India after the tremendous upheaval caused by the mutiny. Lord Elgin, on the other hand, was the first governor-general appointed directly by the Queen, and was now subject to the authority of the secretary of state for India. He could consequently exercise relatively little of the powers and responsibilities which made previous imperial representatives so potent in the conduct of Indian affairs. Indeed he had not been long in India before he was forced by the Indian secretary to reverse Lord Canning's wise measure for the sale of a fee-simple tenure with all its political as well as economic advantages. He was able, however, to carry out loyally the wise and equitable policy of his predecessor towards the feudatories of England with firmness and dignity and with good effect for the British government.[1]

[1] See article on Lord Elgin in "Encyclopædia Britannica" (9th ed.), Vol. VIII., p. 132.

In 1863 he decided on making a tour of the northern parts of India with the object of making himself personally acquainted with the people and affairs of the empire under his government. It was during this tour that he held a Durbar or Royal Court at Agra, which was remarkable even in India for the display of barbaric wealth and the assemblage of princes of royal descent. After reaching Simla his peaceful administration of Indian affairs was at last disturbed by the necessity—one quite clear to him—of repressing an outburst of certain Nahabee fanatics who dwelt in the upper valley of the Indus. He came to the conclusion that "the interests both of prudence and humanity would be best consulted by levelling a speedy and decisive blow at this embryo conspiracy." Having accordingly made the requisite arrangements for putting down promptly the trouble on the frontier and preventing the combination of the Mahommedan inhabitants in those regions against the government, he left Simla and traversed the upper valleys of the Beas, the Ravee, and the Chenali with the object of inspecting the tea plantations of that district and making inquiries as to the possibility of trade with Ladâk and China. Eventually, after a wearisome journey through a most picturesque region, he reached Dhurmsala—"the place of piety"—in the Kangra valley, where appeared the unmistakable symptoms of the fatal malady which soon caused his death.

LAST DAYS

The closing scenes in the life of the statesman have been described in pathetic terms by his brother-in-law, Dean Stanley.[1] The intelligence that the illness was mortal "was received with a calmness and fortitude which never deserted him" through all the scenes which followed. He displayed "in equal degrees, and with the most unvarying constancy, two of the grandest elements of human character—unselfish resignation of himself to the will of God, and thoughtful consideration down to the smallest particulars, for the interests and feelings of others, both public and private." When at his own request, Lady Elgin chose a spot for his grave in the little cemetery which stands on the bluff above the house where he died, "he gently expressed pleasure when told of the quiet and beautiful aspect of the place chosen, with the glorious view of the snowy range towering above, and the wide prospect of hill and plain below." During this fatal illness he had the consolation of the constant presence of his loving wife, whose courageous spirit enabled her to overcome the weakness of a delicate constitution. He died on November 20th, 1863, and was buried on the following day beneath the snow-clad Himalayas.[2]

[1] In the "North British Review," quoted by Walrond, pp. 458-461.

[2] Lord Elgin's eldest son (9th Earl) Victor Alexander Bruce, who was born in 1849, at Monklands, near Montreal, was Viceroy of India 1894-9. See Debrett's Peerage, arts. Elgin and Thurton for particulars of Lord Elgin's family.

If at any time a Canadian should venture to this quiet station in the Kangra valley, let his first thought be, not of the sublimity of the mountains which rise far away, but of the grave where rest the remains of a statesman whose pure unselfishness, whose fidelity to duty, whose tender and sympathetic nature, whose love of truth and justice, whose compassion for the weak, whose trust in God and the teachings of Christ, are human qualities more worthy of the admiration of us all than the grandest attributes of nature.

None of the distinguished Canadian statesmen who were members of Lord Elgin's several administrations from 1847 until 1854, or were then conspicuous in parliamentary life, now remain to tell us the story of those eventful years. Mr. Baldwin died five years before, and Sir Louis Hypolite LaFontaine three months after the decease of the governor-general of India, and in the roll of their Canadian contemporaries there are none who have left a fairer record. Mr. Hincks retired from the legislature of Canada in 1855, when he accepted the office of governor-in-chief of Barbadoes and the Windward Islands from Sir William Molesworth, colonial secretary in Lord Palmerston's government, and for years an eminent advocate of a liberal colonial policy. This appointment was well received throughout British North America by Mr. Hincks's friends as well as political opponents, who recognized the many merits of this

able politician and administrator. It was considered, according to the London *Times*, as "the inauguration of a totally different system of policy from that which has been hitherto pursued with regard to our colonies." "It gave some evidence," continued the same paper, "that the more distinguished among our fellow-subjects in the colonies may feel that the path of imperial ambition is henceforth open to them." It was a direct answer to the appeal which had been so eloquently made on more than one occasion by the Honourable Joseph Howe[1] of Nova Scotia, to extend imperial honours and offices to distinguished colonists, and not reserve them, as was too often the case, for Englishmen of inferior merit. "This elevation of Mr. Hincks to a governorship," said the Montreal *Pilot* at the time, "is the most practicable comment which can possibly be offered upon the solemn and sorrowful complaints of Mr. Howe, anent the neglect with which the colonists are treated by the imperial government. So sudden, complete and noble a disclaimer on the part of Her Majesty's minister for the colonies must have startled the delegate from Nova Scotia, and we trust that his turn may not be far distant." Fifteen years later, Mr. Howe himself became a lieutenant-governor of Nova Scotia, and an inmate of the very

[1] See Mr. Howe's eloquent speeches on the organization of the empire, in his "Speeches and Public Letters," (Boston, 1859), vol. II., pp. 175-207.

government house to which he was not admitted in the stormy days when he was fighting the battle of responsible government against Lord Falkland.

Mr. Hincks was subsequently appointed governor of British Guiana, and at the same time received a Commandership of the Bath as a mark of "Her Majesty's approval honourably won by very valuable and continued service in several colonies of the empire." He retired from the imperial service with a pension in 1869, when his name was included in the first list of knights which was submitted to the Queen on the extension of the Order of St. Michael and St. George for the express purpose of giving adequate recognition to those persons in the colonies who had rendered distinguished service to the Crown and empire. During his Canadian administration Lord Elgin had impressed upon the colonial secretary that it was "very desirable that the prerogative of the Crown, as the fountain of honour, should be employed, in so far as this can properly be done, as a means of attaching the outlying parts of the empire to the throne." Two principles ought, he thought, "as a general rule to be attended to in the distribution of imperial honours among colonists." Firstly they should appear "to emanate directly from the Crown, on the advice, if you will, of the governors and imperial ministers, but not on the recommendation of the local executive." Secondly, they "should be conferred, as much as possible, on the eminent persons

who are no longer engaged actively in political life." The first principle has, generally speaking, guided the action of the Crown in the distribution of honours to colonists, though the governors may receive suggestions from and also consult their prime ministers when the necessity arises. These honours, too, are no longer conferred only on men actively engaged in public life, but on others eminent in science, education, literature, and other vocations of life.[1]

In 1870 Sir Francis Hincks returned to Canadian public life as finance minister in Sir John Macdonald's government, and held the office until 1873, when he retired altogether from politics. Until the last hours of his life he continued to show that acuteness of intellect, that aptitude for public business, that knowledge of finance and commerce, which made him so influential in public affairs. During his public career in Canada previous to 1855, he was the subject of bitter attacks for his political acts, but nowadays impartial history can admit that, despite his tendency to commit the province to heavy expenditures, his energy, enterprise and financial ability did good service to the country at large. He was also attacked as having used his public position to promote his own pecuniary interests, but he courted and obtained inquiry into the most serious of such accusations, and

[1] See on this subject Todd's "Parliamentary Government in the British Colonies," pp. 313-329.

although there appears to have been some carelessness in his connection with various speculations, and at times an absence of an adequate sense of his responsibility as a public man, there is no evidence that he was ever personally corrupt or dishonest. He devoted the close of his life to the writing of his "Reminiscences," and of several essays on questions which were great public issues when he was so prominent in Canadian politics, and although none of his most ardent admirers can praise them as literary efforts of a high order, yet they have an interest so far as they give us some insight into disputed points of Canada's political history. He died in 1885 of the dreadful disease small-pox in the city of Montreal, and the veteran statesman was carried to the grave without those funeral honours which were due to one who had filled with distinction so many important positions in the service of Canada and the Crown. All his contemporaries when he was prime minister also lie in the grave and have found at last that rest which was not theirs in the busy, passionate years of their public life. Sir Allan MacNab, who was a spendthrift to the very last, lies in a quiet spot beneath the shades of the oaks and elms which adorn the lovely park of Dundurn in Hamilton, whose people have long since forgotten his weaknesses as a man, and now only recall his love for the beautiful city with whose interests he was so long identified, and his eminent services to Crown and state. George

Brown, Hincks's inveterate opponent, continued for years after the formation of the first Liberal-Conservative administration, to keep the old province of Canada in a state of political ferment by his attacks on French Canada and her institutions until at last he succeeded in making government practically unworkable, and then suddenly he rose superior to the spirit of passionate partisanship and racial bitterness which had so long dominated him, and decided to aid his former opponents in consummating that federal union which relieved old Canada of her political embarrassment and sectional strife. His action at that time is his chief claim to the monument which has been raised in his honour in the great western city where he was for so many years a political force, and where the newspaper he established still remains at the head of Canadian journalism.

The greatest and ablest man among all who were notable in Lord Elgin's days in Canada, Sir John Alexander Macdonald—the greatest not simply as a Canadian politician but as one of the builders of the British empire—lived to become one of Her Majesty's Privy Councillors of Great Britain, a Grand Cross of the Bath, and prime minister for twenty-one years of a Canadian confederation which stretches for 3,500 miles from the Atlantic to the Pacific ocean. When death at last forced him from the great position he had so long occupied with distinction to himself and advantage

to Canada, the esteem and affection in which he was held by the people, whom he had so long served during a continuous public career of half a century, were shown by the erection of stately monuments in five of the principal cities of the Dominion—an honour never before paid to a colonial statesman. The statues of Sir John Macdonald and Sir Georges Cartier—statues conceived and executed by the genius of a French Canadian artist—stand on either side of the noble parliament building where these statesmen were for years the most conspicuous figures; and as Canadians of the present generation survey their bronze effigies, let them not fail to recall those admirable qualities of statesmanship which distinguished them both—above all their assertion of those principles of compromise, conciliation and equal rights which have served to unite the two races in critical times when the tide of racial and sectional passion and political demagogism has rushed in a mad torrent against the walls of the national structure which Canadians have been so steadily and successfully building for so many years on the continent of North America.

CHAPTER XI

POLITICAL PROGRESS

IN the foregoing pages I have endeavoured to review—very imperfectly, I am afraid—all those important events in the political history of Canada from 1847 to 1854, which have had the most potent influence on its material, social, and political development. Any one who carefully studies the conditions of the country during that critical period of Canadian affairs cannot fail to come to the conclusion that the gradual elevation of Canada from the depression which was so prevalent for years in political as well as commercial matters, to a position of political strength and industrial prosperity, was largely owing to the success of the principles of self-government which Lord Elgin initiated and carried out while at the head of the Canadian executive. These principles have been clearly set forth in his speeches and in his despatches to the secretary of state for the colonies as well as in instructive volumes on the colonial policy of Lord John Russell's administration by Lord Grey, the imperial minister who so wisely recommended Lord Elgin's appointment as governor-general. Briefly stated these principles are as follows:—

That it is neither desirable nor possible to carry on the government of a province in opposition to the opinion of its people.

That a governor-general can have no ministers who do not enjoy the full confidence of the popular House, or, in the last resort, of the people.

That the governor-general should not refuse his consent to any measure proposed by the ministry unless it is clear that it is of such an extreme party character that the assembly or people could not approve of it.

That the governor-general should not identify himself with any party but make himself "a mediator and moderator between all parties."

That colonial communities should be encouraged to cultivate "a national and manly tone of political morals," and should look to their own parliaments for the solution of all problems of provincial government instead of making constant appeals to the colonial office or to opinion in the mother country, "always ill-informed, and therefore credulous, in matters of colonial politics."

That the governor-general should endeavour to impart to these rising communities the full advantages of British laws, British institutions, and British freedom, and maintain in this way the connection between them and the parent state.

We have seen in previous chapters how industriously, patiently, and discreetly Lord Elgin laboured to carry out these principles in the adminis-

tration of his government. In 1849 he risked his own life that he might give full scope to the principles of responsible government with respect to the adjustment of a question which should be settled by the Canadian people themselves without the interference of the parent state, and on the same ground he impressed on the imperial government the necessity of giving to the Canadian legislature full control of the settlement of the clergy reserves. He had no patience with those who believed that, in allowing the colonists to exercise their right to self-government in matters exclusively affecting themselves, there was any risk whatever so far as imperial interests were concerned. One of his ablest letters was that which he wrote to Earl Grey as an answer to the unwise utterances of the prime minister, Lord John Russell, in the course of a speech on the colonies in which, "amid the plaudits of a full senate, he declared that he looked forward to the day when the ties which he was endeavouring to render so easy and mutually advantageous would be severed." Lord Elgin held it to be "a perfectly unsound and most dangerous theory, that British colonies could not attain maturity without separation," and in this connection he quoted the language of Mr. Baldwin to whom he had read that part of Lord John Russell's speech to which he took such strong exception. "For myself," said the eminent Canadian, "if the anticipations therein expressed prove to be well

founded, my interest in public affairs is gone forever. But is it not hard upon us while we are labouring, through good and evil report, to thwart the designs of those who would dismember the empire, that our adversaries should be informed that the difference between them and the prime minister of England is only one of time? If the British government has really come to the conclusion that we are a burden to be cast off, whenever a favourable opportunity offers, surely we ought to be warned." In Lord Elgin's opinion, based on a thorough study of colonial conditions, if the Canadian or any other system of government was to be successful, British statesmen must "renounce the habit of telling the colonies that the colonial is a provisional existence." They should be taught to believe that "without severing the bonds which unite them to England, they may attain the degree of perfection, and of social and political development to which organized communities of free men have a right to aspire." The true policy in his judgment was "to throw the whole weight of responsibility on those who exercise the real power, for after all, the sense of responsibility is the best security against the abuse of power; and as respects the connection, to act and speak on this hypothesis—that there is nothing in it to check the development of healthy national life in these young communities." He was "possessed," he used the word advisedly, "with the idea that it was possible to maintain on the soil of North

America, and in the face of Republican America, British connection and British institutions, if you give the latter freely and trustingly." The history of Canada from the day those words were penned down to the beginning of the twentieth century proves their political wisdom. Under the inspiring influence of responsible government Canada has developed in 1902, not into an independent nation, as predicted by Lord John Russell and other British statesmen after him, but into a confederation of five millions and a half of people, in which a French Canadian prime minister gives expression to the dominant idea not only of his own race but of all nationalities within the Dominion, that the true interest lies not in the severance but in the continuance of the ties that have so long bound them to the imperial state.

Lord Elgin in his valuable letters to the imperial authorities, always impressed on them the fact that the office of a Canadian governor-general has not by any means been lowered to that of a mere subscriber of orders-in-council—of a mere official automaton, speaking and acting by the orders of the prime minister and the cabinet. On the contrary, he gave it as his experience that in Jamaica, where there was no responsible government, he had "not half the power" he had in Canada "with a constitutional and changing cabinet." With respect to the maintenance of the position and due influence of the governor, he used language which gives

a true solution of the problem involved in the adaptation of parliamentary government to the colonial system. "As the imperial government and parliament gradually withdraw from legislative interference, and from the exercise of patronage in colonial affairs, the office of governor tends to become, in the most emphatic sense of the term, the link which connects the mother country and the colony, and his influence the means by which harmony of action between the local and imperial authorities is to be preserved. It is not, however, in my humble judgment, by evincing an anxious desire to stretch to the utmost constitutional principles in his favour, but, on the contrary, by the frank acceptance of the conditions of the parliamentary system, that this influence can be most surely extended and confirmed. Placed by his position above the strife of parties—holding office by a tenure less precarious than the ministers who surround him—having no political interests to serve but those of the community whose affairs he is appointed to administer—his opinion cannot fail, when all cause for suspicion and jealousy is removed, to have great weight in colonial councils, while he is set at liberty to constitute himself in an especial manner the patron of those larger and higher interests—such interests, for example, as those of education, and of moral and material progress in all its branches—which, unlike the contests of party, unite instead of dividing the members of the body politic."

RESULTS OF HIS POLICY

As we study the political history of Canada for the fifty years which have elapsed since Lord Elgin enunciated in his admirable letters to the imperial government the principles which guided him in his Canadian administration, we cannot fail to see clearly that responsible government has brought about the following results, which are at once a guarantee of efficient home government and of a harmonious coöperation between the dependency and the central authority of the empire.

The misunderstandings that so constantly occurred between the legislative bodies and the imperial authorities, on account of the latter failing so often to appreciate fully the nature of the political grievances that agitated the public mind, and on account of their constant interference in matters which should have been left exclusively to the control of the people directly interested, have been entirely removed in conformity with the wise policy of making Canada a self-governing country in the full sense of the phrase. These provinces are as a consequence no longer a source of irritation and danger to the parent state, but, possessing full independence in all matters of local concern, are now among the chief sources of England's pride and greatness.

The governor-general instead of being constantly brought into conflict with the political parties of the country, and made immediately responsible for the continuance of public grievances, has gained in dignity and influence since he has been removed

from the arena of public controversy. He now occupies a position in harmony with the principles that have given additional strength and prestige to the throne itself. As the legally accredited representative of the sovereign, as the recognized head of society, he represents what Bagehot has aptly styled "the dignified part of our constitution," which has much value in a country like ours where we fortunately retain the permanent form of monarchy in harmony with the democratic machinery of our government. If the governor-general is a man of parliamentary experience and constitutional knowledge, possessing tact and judgment, and imbued with the true spirit of his high vocation—and these high functionaries have been notably so since the commencement of confederation—he can sensibly influence, in the way Lord Elgin points out, the course of administration and benefit the country at critical periods of its history. Standing above all party, having the unity of the empire at heart, a governor-general can at times soothe the public mind, and give additional confidence to the country, when it is threatened with some national calamity, or there is distrust abroad as to the future. As an imperial officer he has large responsibilities of which the general public has naturally no very clear idea, and if it were possible to obtain access to the confidential and secret despatches which seldom see the light in the colonial office—certainly not in the lifetime of the men who wrote

them—it would be found how much, for a quarter of a century past, the colonial department has gained by having had in the Dominion, men, no longer acting under the influence of personal feeling through being made personally responsible for the conduct of public affairs, but actuated simply by a desire to benefit the country over which they preside, and to bring Canadian interests into union with those of the empire itself.

The effects on the character of public men and on the body politic have been for the public advantage. It has brought out the best qualities of colonial statesmanship, lessened the influence of mere agitators and demagogues, and taught our public men to rely on themselves in all crises affecting the welfare and integrity of the country. Responsible government means self-reliance, the capacity to govern ourselves, the ability to build up a great nation.

When we review the trials and struggles of the past that we may gain from them lessons of confidence for the future, let us not forget to pay a tribute to the men who have laid the foundations of these communities, still on the threshold of their development, and on whom the great burden fell; to the French Canadians who, despite the neglect and indifference of their kings, amid toil and privation, amid war and famine, built up a province which they have made their own by their patience and industry, and who should, differ as we may

from them, evoke our respect for their fidelity to the institutions of their origin, for their appreciation of the advantages of English self-government, and for their coöperation in all great measures essential to the unity of the federation; to the Loyalists of last century who left their homes for the sake of "king and country," and laid the foundations of prosperous and loyal English communities by the sea and by the great lakes, and whose descendants have ever stood true to the principles of the institutions which have made Britain free and great; to the unknown body of pioneers some of whose names perhaps still linger on a headland or river or on a neglected gravestone, who let in the sunlight year by year to the dense forests of these countries, and built up by their industry the large and thriving provinces of this Dominion; above all, to the statesmen—Elgin, Baldwin, LaFontaine, Morin, Howe, and many others—who laid deep and firm, beneath the political structure of this confederation, those principles of self-government which give harmony to our constitutional system and bring out the best qualities of an intelligent people. In the early times in which they struggled they had to bear much obloquy, and their errors of judgment have been often severely arraigned at the bar of public opinion; many of them lived long enough to see how soon men may pass into oblivion; but we who enjoy the benefit of their earnest endeavours, now that the voice of the party passion of their

times is hushed, should never forget that, though they are not here to reap the fruit of their labours, their work survives in the energetic and hopeful communities which stretch from Cape Breton to Victoria.

CHAPTER XII

A COMPARISON OF SYSTEMS

IN one of Lord Elgin's letters we are told that, when he had as visitors to government house in 1850, Sir Henry Bulwer, the elder brother of Lord Lytton, and British minister to the United States, as well as Sir Edmund Head, his successor in the governorship of Canada, he availed himself of so favourable an opportunity of reassuring them on many points of the internal policy of the province on which they were previously doubtful, and gave them some insight into the position of men and things on which Englishmen in those days were too ignorant as a rule. One important point which he impressed upon them—as he hoped successfully—was this: "That the faithful carrying out of the principles of constitutional government is a departure from the American model, not an approximation to it, and, therefore, a departure from republicanism in its only workable shape." The fact was: "The American system is our old colonial system, with, in certain cases, the principle of popular election substituted for that of nomination by the Crown." He was convinced "that the concession of constitutional government has a tendency to draw the colonists" towards England and

not towards republicanism; "firstly, because it slakes that thirst for self-government which seizes on all British communities when they approach maturity; and secondly because it habituates the colonists to the working of a political mechanism which is both intrinsically superior to that of the Americans, and more unlike it than our old colonial system." In short, he felt very strongly that "when a people have been once thoroughly accustomed to the working of such a parliamentary system as ours they never will consent to resort to this irresponsible mechanism."

Since these significant words were written half a century ago, Canadians have been steadily working out the principles of parliamentary government as understood and explained by Lord Elgin, and have had abundant opportunities of contrasting their experiences with those of their neighbours under a system in many respects the very reverse of that which has enabled Canada to attain so large a measure of political freedom and build up such prosperous communities to the north of the republic, while still remaining in the closest possible touch with the imperial state. I propose now to close this book with some comparisons between the respective systems of the two countries, and to show that in this respect as in others Lord Elgin proved how deep was his insight into the working of political institutions, and how thoroughly he had mastered the problem of the best methods of administering

the government of a great colonial dependency, not solely with a regard to its own domestic interests but with a view of maintaining the connection with the British Crown, of which he was so discreet and able a servant.

It is especially important to Canadians to study the development of the institutions of the United States, with the view of deriving benefit from their useful experiences, and avoiding the defects that have grown up under their system. All institutions are more or less on trial in a country like Canada, which is working out great problems of political science under decided advantages, since the ground is relatively new, and the people have before them all the experiences of the world, especially of England and the United States, in whose systems Canadians have naturally the deepest interest. The history of responsible government affords another illustration of a truth which stands out clear in the history of nations, that those constitutions which are of a flexible character, the natural growth of the experiences of centuries, and which have been created by the necessities and conditions of the times, possess the elements of real stability, and best ensure the prosperity of a people. The great source of the strength of the institutions of the United States lies in the fact that they have worked out their government in accordance with certain principles, which are essentially English in their origin, and have been naturally developed

since their foundation as colonial settlements, and whatever weaknesses their system shows have chiefly arisen from new methods, and from the rigidity of their constitutional rules of law, which separate too sharply the executive and the legislative branches of government. Like their neighbours the Canadian people have based their system on English principles, but they have at the same time been able to keep pace with the progress of the unwritten constitution of England, to adapt it to their own political conditions, and to bring the executive and legislative authorities to assist and harmonize with one another.

Each country has its "cabinet council," but the one is essentially different from the other in its character and functions. This term, the historical student will remember, was first used in the days of the Stuarts as one of derision and obloquy. It was frequently called "junto" or "cabal," and during the days of conflict between the commons and the king it was regarded with great disfavour by the parliament of England. Its unpopularity arose from the fact that it did not consist of men in whom parliament had confidence, and its proceedings were conducted with so much secrecy that it was impossible to decide upon whom to fix responsibility for any obnoxious measure. When the constitution of England was brought back to its original principles, and harmony was restored between the Crown and the parliament, the cabinet became no longer a

term of reproach, but a position therein was regarded as the highest honour in the country, and was associated with the efficient administration of public affairs, since it meant a body of men responsible to parliament for every act of government.[1] The old executive councils of Canada were obnoxious to the people for the same reason that the councils of the Stuarts, and even of George III, with the exception of the régime of the two Pitts, became unpopular. Not only do we in Canada, in accordance with our desire to perpetuate the names of English institutions use the name "cabinet" which was applied to an institution that gradually grew out of the old privy council of England, but we have even incorporated in our fundamental law the older name of "privy council," which itself sprang from the original "permanent" or "continual" council of the Norman kings. Following English precedent, the Canadian cabinet or ministry is formed out of the privy councillors, chosen under the law by the governor-general, and when they retire from office they still retain the purely honorary distinction. In the United States the use of the term "cabinet" has none of the significance it has with us, and if it can be compared at all to any English institutions it might be to the old cabinets who acknowledged responsibility to the king, and were only so many heads of departments in the

[1] See Todd's "Parliamentary Government in England," vol. II., p. 101.

king's government. As a matter of fact the comparison would be closer if we said that the administration resembles the cabinets of the old French kings, or to quote Professor Bryce, "the group of ministers who surround the Czar or the Sultan, or who executed the bidding of a Roman emperor like Constantine or Justinian." Such ministers like the old executive councils of Canada, "are severally responsible to their master, and are severally called in to counsel him, but they have not necessarily any relations with one another, nor any duty or collective action." Not only is the administration conducted on the principle of responsibility to the president alone, in this respect the English king in old irresponsible days, but the legislative department is itself constructed after the English model as it existed a century ago, and a general system of government is established, lacking in that unity and elasticity which are essential to its effective working. On the other hand the Canadian cabinet is the cabinet of the English system of modern times and is formed so as to work in harmony with the legislative department, which is a copy, so far as possible, of the English legislature.

The special advantages of the Canadian or English system of parliamentary government, compared with congressional government, may be briefly summed up as follows:—

(1) The governor-general, his cabinet, and the popular branch of the legislature are governed in

Canada, as in England, by a system of rules, conventions and understandings which enable them to work in harmony with one another. The Crown, the cabinet, the legislature, and the people, have respectively certain rights and powers which, when properly and constitutionally brought into operation, give strength and elasticity to our system of government. Dismissal of a ministry by the Crown under conditions of gravity, or resignation of a ministry defeated in the popular House, bring into play the prerogatives of the Crown. In all cases there must be a ministry to advise the Crown, assume responsibility for its acts, and obtain the support of the people and their representatives in parliament. As a last resort to bring into harmony the people, the legislature, and the Crown, there is the exercise of the supreme prerogative of dissolution. A governor, acting always under the advice of responsible ministers, may, at any time, generally speaking, grant an appeal to the people to test their opinion on vital public questions and bring the legislature into accord with the public mind. In short, the fundamental principle of popular sovereignty lies at the very basis of the Canadian system.

On the other hand, in the United States, the president and his cabinet may be in constant conflict with the two Houses of Congress during the four years of his term of office. His cabinet has no direct influence with the legislative bodies, inasmuch as they have no seats therein. The politi-

cal complexion of congress does not affect their tenure of office, since they depend only on the favour and approval of the executive; dissolution, which is the safety valve of the English or Canadian system—"in its essence an appeal from the legal to the political sovereign"—is not practicable under the United States constitution. In a political crisis the constitution provides no adequate solution of the difficulty during the presidential term. In this respect the people of the United States are not sovereign as they are in Canada under the conditions just briefly stated.

(2) The governor-general is not personally brought into collision with the legislature by the direct exercise of a veto of its legislative acts, since the ministry is responsible for all legislation and must stand or fall by its important measures. The passage of a measure of which it disapproved as a ministry would mean in the majority of cases a resignation, and it is not possible to suppose that the governor would be asked to exercise a prerogative of the Crown which has been in disuse since the establishment of responsible government and would now be a revolutionary measure even in Canada.

In the United States there is danger of frequent collision between the president and the two legislative branches, should a very critical exercise of the veto, as in President Johnson's time, occur at a time when the public mind was deeply agitated. The

chief magistrate loses in dignity and influence whenever the legislature overrides the veto, and congress becomes a despotic master for the time being.

(3) The Canadian minister, having control of the finances and taxes and of all matters of administration, is directly responsible to parliament and sooner or later to the people for the manner in which public functions have been discharged. All important measures are initiated by the cabinet, and on every question of public interest the ministers are bound to have a definite policy if they wish to retain the confidence of the legislature. Even in the case of private legislation they are also the guardians of the public interests and are responsible to the parliament and the people for any neglect in particular.

On the other hand in the United States the financial and general legislation of congress is left to the control of committees, over which the president and his cabinet have no direct influence, and the chairman of which may have ambitious objects in direct antagonism to the men in office.

(4) In the Canadian system the speaker is a functionary who certainly has his party proclivities, but it is felt that as long as he occupies the chair all political parties can depend on his justice and impartiality. Responsible government makes the premier and his ministers responsible for the constitution of the committees and for the opinions

and decisions that may emanate from them. A government that would constantly endeavour to shift its responsibilities on committees, even of its own selection, would soon disappear from the treasury benches. Responsibility in legislation is accordingly ensured, financial measures prevented from being made the footballs of ambitious and irresponsible politicians, and the impartiality and dignity of the speakership guaranteed by the presence in parliament of a cabinet having the direction and supervision of business.

On the other hand, in the United States, the speaker of the House of Representatives becomes, from the very force of circumstances, a political leader, and the spectacle is presented—in fact from the time of Henry Clay—so strange to us familiar with English methods, of decisions given by him with clearly party objects, and of committees formed by him with purely political aims, as likely as not with a view to thwart the ambition either of a president who is looking to a second term or of some prominent member of the cabinet who has presidential aspirations. And all this lowering of the dignity of the chair is due to the absence of a responsible minister to lead the House. The very position which the speaker is forced to take from time to time—notably in the case of Mr. Reed[1]—is clearly the result of the defects in the constitutional

[1] He was speaker of the House of Representatives from 1895 to 1899.

system of the United States, and is so much evidence that a responsible party leader is an absolute necessity in congress. A legislature must be led, and congress has been attempting to get out of a crucial difficulty by all sorts of questionable shifts which only show the inherent weakness of the existing system.

In the absence of any provision for the unity of policy between the executive and legislative authorities of the United States, it is impossible for any nation to have a positive guarantee that a treaty it may negotiate with the former can be ratified. The sovereign of Great Britain enters into treaties with foreign powers with the advice and assistance of his constitutional advisers, who are immediately responsible to parliament for their counsel in such matters. In theory it is the prerogative of the Crown to make a treaty; in practice it is that of the ministry. It is not constitutionally imperative to refer such treaties to parliament for its approval—the consent of the Crown is sufficient; but it is sometimes done under exceptional circumstances, as in the case of the cession of Heligoland. In any event the action of the ministry in the matter is invariably open to the review of parliament, and the ministry may be censured by an adverse vote for the advice given to the sovereign, and forced to retire from office. In the United States the senate must ratify all treaties by a two-thirds vote, but unless there is a majority in that House of the same political

complexion as the president the treaty may be refused. No cabinet minister is present to lead the House, as in England, and assume all the responsibility of the president's action. It is almost impossible to suppose that an English ministry would consent to a treaty that would be unpopular in parliament and the country. The existence of the government would depend on its action. In the United States both president and senate have divided responsibilities. The constitution makes no provision for unity in such important matters of national obligation.

The great advantages of the English, or Canadian, system lie in the interest created among all classes of the people by the discussions of the different legislative bodies. Parliamentary debate involves the fate of cabinets, and the public mind is consequently led to study all issues of importance. The people know and feel that they must be called upon sooner or later to decide between the parties contending on the floor of the legislature, and consequently are obliged to give an intelligent consideration to public affairs. Let us see what Bagehot, ablest of critics, says on this point:—

"At present there is business in their attention (that is to say, of the English or Canadian people). They assist at the determining crisis; they assist or help it. Whether the government will go out or remain is determined by the debate and by the division in parliament. And the opinion out of

doors, the secret pervading disposition of society, has a great influence on that division. The nation feels that its judgment is important, and it strives to judge. It succeeds in deciding because the debates and the discussions give it the facts and arguments. But under the presidential government the nation has, except at the electing moment, no influence; it has not the ballot-box before it; its virtue is gone and it must wait till its instant of despotism again returns. There are doubtless debates in the legislature, but they are prologues without a play. The prize of power is not in the gift of the legislature. No presidential country needs to form daily delicate opinions, or is helped in forming them."

Then when the people do go to the ballot-box, they cannot intelligently influence the policy of the government. If they vote for a president, then congress may have a policy quite different from his; if they vote for members of congress, they cannot change the opinions of the president. If the president changes his cabinet at any time, they have nothing to say about it, for its members are not important as wheels in the legislative machinery. Congress may pass a bill of which the people express their disapproval at the first opportunity when they choose a new congress, but still it may remain on the statute-book because the senate holds views different from the newly elected House, and cannot be politically changed until after a long

series of legislative elections. As Professor Woodrow Wilson well puts it in an able essay:—[1]

"Public opinion has no easy vehicle for its judgments, no quick channels for its action. Nothing about the system is direct and simple. Authority is perplexingly subdivided and distributed, and responsibility has to be hunted down in out-of-the-way corners. So that the sum of the whole matter is that the means of working for the fruits of good government are not readily to be found. The average citizen may be excused for esteeming government at best but a haphazard affair upon which his vote and all his influence can have but little effect. How is his choice of representative in congress to affect the policy of the country as regards the questions in which he is most interested if the man for whom he votes has no chance of getting on the standing committee which has virtual charge of those questions? How is it to make any difference who is chosen president? Has the president any great authority in matters of vital policy? It seems a thing of despair to get any assurance that any vote he may cast will even in an infinitesimal degree affect the essential courses of administration. There are so many cooks mixing their ingredients in the national broth that it seems hopeless, this thing of changing one cook at a time."

Under such a system it cannot be expected that the people will take the same deep interest in elec-

[1] "Congressional Government," pp. 301, 332.

tions and feel as directly responsible for the characacter of the government as when they can at one election and by one verdict decide the fate of a government, whose policy on great issues must be thoroughly explained to them at the polls. This method of popular government is more real and substantial than a system which does not allow the people to influence congressional legislation and administrative action through a set of men sitting in congress and having a common policy.

I think it does not require any very elaborate argument to show that when men feel and know that the ability they show in parliament may be sooner or later rewarded by a seat on the treasury benches, and that they will then have a determining voice in the government of the country, be it dominion or province, they must be stimulated by a keener interest in public life, a closer watchfulness over legislation and administration, a greater readiness for discussing all public questions, and a more studied appreciation of public opinion outside the legislative halls. Every man in parliament is a premier *in posse*. While asking my readers to recall what I have already said as to the effect of responsible government on the public men and people of Canada, I shall also here refer them to some authorities worthy of all respect.

Mr. Bagehot says with his usual clearness:—[1]

"To belong to a debating society adhering to an

[1] "The English Constitution," pp. 95, 96.

executive (and this is no inapt description of a congress under a presidential constitution) is not an object to stir a noble ambition, and is a position to encourage idleness. The members of a parliament excluded from office can never be comparable, much less equal, to those of a parliament not excluded from office. The presidential government by its nature divides political life into two halves, an executive half and a legislative half, and by so dividing it, makes neither half worth a man's having—worth his making it a continuous career—worthy to absorb, as cabinet government absorbs, his whole soul. The statesmen from whom a nation chooses under a presidential system are much inferior to those from whom it chooses under a cabinet system, while the selecting apparatus is also far less discerning."

An American writer, Prof. Denslow,[1] does not hesitate to express the opinion very emphatically that "as it is, in no country do the people feel such an overwhelming sense of the littleness of the men in charge of public affairs" as in the United States. And in another place he dwells on the fact that "responsible government educates office-holders into a high and honourable sense of their accountability to the people," and makes "statesmanship a permanent pursuit followed by a skilled class of men."

Prof. Woodrow Wilson says that,[2] so far from men

[1] In the *International Review*, March, 1877.

[2] "Congressional Government," p. 94.

being trained to legislation by congressional government, "independence and ability are repressed under the tyranny of the rules, and practically the favour of the popular branch of congress is concentrated in the speaker and a few—very few—expert parliamentarians." Elsewhere he shows that "responsibility is spread thin, and no vote or debate can gather it." As a matter of fact and experience, he comes to the conclusion "the more power is divided the more irresponsible it becomes and the petty character of the leadership of each committee contributes towards making its despotism sure by making its duties interesting."

Professor James Bryce, it will be admitted, is one of the fairest of critics in his review of the institutions of the United States; but he, too, comes to the conclusion[1] that the system of congressional government destroys the unity of the House (of representatives) as a legislative body; prevents the capacity of the best members from being brought to bear upon any one piece of legislation, however important; cramps debate; lessens the cohesion and harmony of legislation; gives facilities for the exercise of underhand and even corrupt influence; reduces responsibility; lowers the interest of the nation in the proceedings of congress.

In another place,[2] after considering the relations between the executive and the legislature, he ex-

[1] "The American Commonwealth," I., 210 *et seq.*

[2] *Ibid.*, pp. 304, 305.

presses his opinion that the framers of the constitution have "so narrowed the sphere of the executive as to prevent it from leading the country, or even its own party in the country." They endeavoured "to make members of congress independent, but in doing so they deprived them of some of the means which European legislators enjoy of learning how to administer, of learning even how to legislate in administrative topics. They condemned them to be architects without science, critics without experience, censors without responsibility."

And further on, when discussing the faults of democratic government in the United States—and Professor Bryce, we must remember, is on the whole most hopeful of its future—he detects as amongst its characteristics "a certain commonness of mind and tone, a want of dignity and elevation in and about the conduct of public affairs, and insensibility to the nobler aspects and finer responsibilities of national life." Then he goes on to say[1] that representative and parliamentary system "provides the means of mitigating the evils to be feared from ignorance or haste, for it vests the actual conduct of affairs in a body of specially chosen and presumably qualified men, who may themselves intrust such of their functions as need peculiar knowledge or skill to a smaller governing body or bodies selected in respect of their more

[1] *Ibid.*, Chap. 95, vol. III.

eminent fitness. By this method the defects of democracy are remedied while its strength is retained." The members of American legislatures, being disjoined from the administrative offices, "are not chosen for their ability or experience; they are not much respected or trusted, and finding nothing exceptional expected from them, they behave as ordinary men."

"If corruption," wrote Judge Story, that astute political student, "ever silently eats its way into the vitals of this Republic, it will be because the people are unable to bring responsibility home to the executive through his chosen ministers."[1]

As I have already stated in the first pages of this chapter, long before the inherent weaknesses of the American system were pointed out by the eminent authorities just quoted, Lord Elgin was able, with that intuitive sagacity which he applied to the study of political institutions, to see the unsatisfactory working of the clumsy, irresponsible mechanism of our republican neighbours.

"Mr. Fillmore," he is writing in November, 1850, "stands to his congress very much in the same relation in which I stood to my assembly in Jamaica. There is the same absence of effective responsibility in the conduct of legislation, the same want of concurrent action between the parts of the political machine. The whole business of legislation in the American congress, as well as in the state legisla-

[1] "Commentaries," sec. 869.

tures, is conducted in the manner in which railway business was conducted in the House of Commons at a time when it is to be feared that, notwithstanding the high standard of honour in the British parliament, there was a good deal of jobbing. For instance, our reciprocity measure was pressed by us at Washington last session just as a railway bill in 1845 or 1846 would have been pressed in parliament. There was no government to deal with. The interests of the union as a whole, distinct from local and sectional interests, had no organ in the representative bodies; it was all a question of canvassing this member of congress or the other. It is easy to perceive that, under such a system, jobbing must become not the exception but the rule,"—remarks as true in 1901 as in 1850.

It is important also to dwell on the fact that in Canada the permanency of the tenure of public officials and the introduction of the secret ballot have been among the results of responsible government. Through the influence and agency of the same system, valuable reforms have been made in Canada in the election laws, and the trial of controverted elections has been taken away from partisan election committees and given to a judiciary independent of political influences. In these matters the irresponsible system of the United States has not been able to effect any needful reforms. Such measures can be best carried by ministers having the initiation and direction of legislation and must

necessarily be retarded when power is divided among several authorities having no unity of policy on any question.

Party government undoubtedly has its dangers arising from personal ambition and unscrupulous partisanship, but as long as men must range themselves in opposing camps on every subject, there is no other system practicable by which great questions can be carried and the working of representative government efficiently conducted. The framers of the constitution of the United States no doubt thought they had succeeded in placing the president and his officers above party when they instituted the method of electing the former by a body of select electors chosen for that purpose in each state, who were expected to act irrespective of all political considerations. A president so selected would probably choose his officers also on the same basis. The practical results, however, have been to prove that in every country of popular and representative institutions party government must prevail. Party elects men to the presidency and to the floor of the Senate and House of Representatives, and the election to those important positions is directed and controlled by a political machinery far exceeding in its completeness any party organization in England or in Canada. The party convention is now the all important portion of the machinery for the election of the president, and the safeguard provided by the constitution for the choice of the best man is a

mere nullity. One thing is quite certain, that party government under the direction of a responsible ministry, responsible to parliament and the people for every act of administration and legislation, can have far less dangerous tendencies than a party system which elects an executive not amenable to public opinion for four years, divides the responsibilities of government among several authorities, prevents harmony among party leaders, does not give the executive that control over legislation necessary to efficient administration of public affairs, and in short offers a direct premium to conflict among all the authorities of the state—a conflict, not so much avoided by the checks and balances of the constitution as by the patience, common sense, prudence, and respect for law which presidents and their cabinets have as a rule shown at national crises. But we can clearly see that, while the executive has lost in influence, congress has gained steadily to an extent never contemplated by the founders of the constitution, and there are thoughtful men who say that the true interests of the country have not always been promoted by the change. Party government in Canada ensures unity of policy, since the premier of the cabinet becomes the controlling part of the political machinery of the state; no such thing as unity of policy is possible under a system which gives the president neither the dignity of a governor-general, nor the strength of a premier, and

splits up political power among any number of would-be party leaders, who adopt or defeat measures by private intrigues, make irresponsible recommendations, and form political combinations for purely selfish ends.[1]

It seems quite clear then that the system of responsible ministers makes the people more immediately responsible for the efficient administration of public affairs than is possible in the United States. The fact of having the president and the members of congress elected for different terms, and of dividing the responsibilities of government among these authorities does not allow the people to exercise that direct influence which is ensured, as the experience of Canada and of England proves, by making one body of men immediately responsible to the electors for the conduct of public affairs at frequently recurring periods, arranged by well understood rules, so as to ensure a correct expression of public opinion on all important issues. The committees which assist in governing this country are the choice of the people's representatives assembled in parliament, and every four or five years and sometimes even sooner in case of a crisis, the people have to decide on the wisdom of the choice.

The system has assuredly its drawbacks like all systems of government that have been devised and worked out by the brain of man. In all frankness I confess that this review would be incomplete were

[1] See Story's "Commentaries," sec. 869.

I not to refer to certain features of the Canadian system of government which seem to me on the surface fraught with inherent danger at some time or other to independent legislative judgment. Any one who has closely watched the evolution of this system for years past must admit that there is a dangerous tendency in the Dominion to give the executive—I mean the ministry as a body—too superior a control over the legislative authority. When a ministry has in its gift the appointment not only of the heads of the executive government in the provinces, that is to say, of the lieutenant-governors, who can be dismissed by the same power at any moment, but also of the members of the Upper House of Parliament itself, besides the judiciary and numerous collectorships and other valuable offices, it is quite obvious that the element of human ambition and selfishness has abundant room for operation on the floor of the legislature, and a bold and skilful cabinet is also able to wield a machinery very potent under a system of party government. In this respect the House of Representatives may be less liable to insidious influences than a House of Commons at critical junctures when individual conscience or independent judgment appears on the point of asserting itself. The House of Commons may be made by skilful party management a mere recording or registering body of an able and determined cabinet. I see less liability to such silent though potent influences in

a system which makes the president and a House of Representatives to a large degree independent of each other, and leaves his important nominations to office under the control of the senate, a body which has no analogy whatever with the relatively weak branch of the Canadian parliament, essentially weak while its membership depends on the government itself. I admit at once that in the financial dependence of the provinces on the central federal authority, in the tenure of the office of the chief magistrates of the provinces, in the control exercised by the ministry over the highest legislative body of Canada, that is, highest in point of dignity and precedence, there are elements of weakness; but at the same time it must be remembered that, while the influence and power of the Canadian government may be largely increased by the exercise of its great patronage in the hypothetical cases I have suggested, its action is always open to the approval or disapproval of parliament and it has to meet an opposition face to face. Its acts are open to legislative criticism, and it may at any moment be forced to retire by public opinion operating upon the House of Commons.

On the other hand the executive in the United States for four years may be dominant over congress by skilful management. A strong executive by means of party wields a power which may be used for purposes of mere personal ambition, and may by clever management of the party machine

and with the aid of an unscrupulous majority retain power for a time even when it is not in accord with the true sentiment of the country; but under a system like that of Canada, where every defect in the body politic is probed to the bottom in the debates of parliament, which are given by the public press more fully than is the practice in the neighbouring republic, the people have a better opportunity of forming a correct judgment on every matter and giving an immediate verdict when the proper time comes for an appeal to them, the sovereign power. Sometimes this judgment is too often influenced by party prejudices and the real issue is too often obscured by skilful party management, but this is inevitable under every system of popular government; and happily, should it come to the worst, there is always in the country that saving remnant of intelligent, independent men of whom Matthew Arnold has written, who can come forward and by their fearless and bold criticism help the people in any crisis when truth, honour and justice are at stake and the great mass of electors fail to appreciate the true situation of affairs. But we may have confidence in the good sense and judgment of the people as a whole when time is given them to consider the situation of affairs. Should men in power be unfaithful to their public obligations, they will eventually be forced by the conditions of public life to yield their positions to those who merit public confidence. If it should

ever happen in Canada that public opinion has become so low that public men feel that they can, whenever they choose, divert it to their own selfish ends by the unscrupulous use of partisan agencies and corrupt methods, and that the highest motives of public life are forgotten in a mere scramble for office and power, then thoughtful Canadians might well despair of the future of their country; but, whatever may be the blots at times on the surface of the body politic, there is yet no reason to believe that the public conscience of Canada is weak or indifferent to character and integrity in active politics. The instincts of an English people are always in the direction of the pure administration of justice and the efficient and honest government of the country, and though it may sometimes happen that unscrupulous politicians and demagogues will for a while dominate in the party arena, the time of retribution and purification must come sooner or later. English methods must prevail in countries governed by an English people and English institutions.

It is sometimes said that it is vain to expect a high ideal in public life, that the same principles that apply to social and private life cannot always be applied to the political arena if party government is to succeed; but this is the doctrine of the mere party manager, who is already too influential in Canada as in the United States, and not of a true patriotic statesman. It is wiser to believe that the

nobler the object the greater the inspiration, and at all events, it is better to aim high than to sink low. It is all important that the body politic should be kept pure and that public life should be considered a public trust. Canada is still young in her political development, and the fact that her population has been as a rule a steady, fixed population, free from those dangerous elements which have come into the United States with such rapidity of late years, has kept her relatively free from any serious social and political dangers which have afflicted her neighbours, and to which I believe they themselves, having inherited English institutions and being imbued with the spirit of English law, will always in the end rise superior. Great responsibility, therefore, rests in the first instance upon the people of Canada, who must select the best and purest among them to serve the country, and, secondly, upon the men whom the legislature chooses to discharge the trust of carrying on the government. No system of government or of laws can of itself make a people virtuous and happy unless their rulers recognize in the fullest sense their obligations to the state and exercise their powers with prudence and unselfishness, and endeavour to elevate and not degrade public opinion by the insidious acts and methods of the lowest political ethics. A constitution may be as perfect as human agencies can make it, and yet be relatively worthless while the large responsibilities and powers entrusted to the governing body—

responsibilities and powers not embodied in acts of parliament—are forgotten in view of party triumph, personal ambition, or pecuniary gain. "The laws," says Burke, "reach but a very little way. Constitute government how you please, infinitely the greater part of it must depend upon the exercise of the powers which are left at large to the prudence and uprightness of ministers of state. Even all the use and potency of the laws depend upon them. Without them your commonwealth is no better than a scheme upon paper, and not a living, active, effective organization."

BIBLIOGRAPHICAL NOTE

For accounts of the whole career of Lord Elgin see *Letters and Journals of James, Eighth Earl of Elgin*, etc., edited by Theodore Walrond, C.B., with a preface by his brother-in-law, Dean Stanley (London 2nd. ed., 1873); for China mission, *Narrative of the Earl of Elgin's Mission to China and Japan*, by Lawrence Oliphant, his private secretary (Edinburgh, 1869); for the brief Indian administration, *The Friend of India* for 1862-63. Consult also article in vol. 8 of *Encyclopædia Britannica*, 9th ed.; John Charles Dent's *Canadian Portrait Gallery* (Toronto, 1880), vol. 2, which also contains a portrait; W. J. Rattray's *The Scot in British North America* (Toronto, 1880) vol. 2, pp. 608-641.

For an historical review of Lord Elgin's administration in Canada, see J. C. Dent's *The Last Forty Years, or Canada since the Union of 1841* (Toronto, 1881), chapters XXIII-XXXIV inclusive, with a portrait; Louis P. Turcotte's *Le Canada Sous l'Union* (Quebec, 1871), chapters I-IV, inclusive; Sir Francis Hincks's *Reminiscences of His Public Life* (Montreal, 1884) with a portrait of the author; Joseph Pope's *Memoirs of the Rt. Hon. Sir John A. Macdonald, G.C.B.* (Ottawa and London, 1894), with portraits of the great statesman, vol. 1, chapters IV-VI inclusive; Lord Grey's *Colonial Policy of Lord John Russell's Administration* (London, 2nd ed., 1853), vol. 1; Sir C. B. Adderley's *Review of the Colonial Policy of Lord John Russell's Administration, by Earl Grey, and Subsequent Colonial History* (London,1869).

For accounts of the evolution of responsible government in Canada consult the works by Dent, Turcotte, Rattray, Hincks, Grey and Adderley, just mentioned; Lord Durham's *Report on the Affairs of British North America*, submitted to parliament, 1839; Dr. Alpheus Todd's *Parliamentary Government in The British Colonies* (2nd ed. London, 1894); Bourinot's *Manual of the Constitutional History of Canada* (Toronto, 1901); his *Canada under British Rule* (London and Toronto, 1901), chapters VI-VIII inclusive; *Memoir of the Life of the Rt. Hon. Lord Sydenham, etc.*, by his brother G. Poulett Scrope, M.P., (London, 1843), with a portrait of that nobleman; *Life and Correspondence of Charles, Lord Metcalfe*, by J. W. Kaye (London, new ed., 1858).

For comparisons between the parliamentary government of Great

Britain or Canada, and the congressional system of the United States, see Walter Bagehot's *English Constitution* and other political essays (New York, 1889); Woodrow Wilson's *Congressional Government* (Boston, 1885); Dr. James Bryce's *American Commonwealth* (London, 1888); Bourinot's *Canadian Studies in Comparative Politics*, in *Trans. Roy. Soc. Can.*, vol. VIII, sec. 2 (old ser.), and in separate form (Montreal, 1891). Other books and essays on the same subject are noted in a bibliography given in *Trans. Roy. Soc. Can.*, vol. XI, old ser., sec. 2, as an appendix to an article by Sir J. G. Bourinot on Parliamentary Government in Canada.

The reader may also profitably consult the interesting series of sketches (with excellent portraits) of the lives of Sir Francis Hincks, Sir A. MacNab, Sir L. H. LaFontaine, R. Baldwin, Bishop Strachan, L. J. Papineau, John Sandfield Macdonald, Antoine A. Dorion, Sir John A. Macdonald, George Brown, Sir E. P. Taché, P. J. O. Chauveau, and of other men notable from 1847-1854, in the *Portraits of British Americans* (Montreal 1865-67), by J. Fennings Taylor, who was deputy clerk of the old legislative council, and later of the senate of Canada, and a contemporary of the eminent men whose careers he briefly and graphically describes. Consult also Dent's *Canadian Portrait Gallery*, which has numerous portraits.

INDEX

A

Amnesty Act, 91
Annexation manifesto, 80, 81
Annexation sentiment, the, caused by lack of prosperity and political grievances, 191 f.
Archambault, L., 186
Aylwin, Hon. I. C., 45, 50, 53, 187

B

Badgley, Judge, 187
Bagehot, on public interest in politics, 250, 251; on the disadvantage of the presidential system, 253, 254
Bagot, Sir Charles, favourable to French Canadians, 30; 31
Baldwin, Hon. Robert, 28; aims of, 31; 45, 50, 51; forms a government with LaFontaine, 52; his measure to create the University of Toronto, 93, 94; resigns office, 103; death of, 104; views on the clergy reserves, 160, 162
Blake, Hon. W. H., 50, 53, 69
Boulton, John, 123
Bowen, Judge, 187
Brown, Hon. George, 110; editor of *Globe*, 111; raises the cry of French domination, leads the Clear Grits, 112; enters parliament, 113; his power, 114; urges representation by population, 117, 125, 137, 138; his part in confederation, 225
Bryce, Rt. Hon. James, on the disadvantages of congressional government, 255-257
Buchanan, Mr., his tribute to Lord Elgin, 123, 124

C

Cameron, John Hillyard, 50, 112
Cameron, Malcolm, 50, 53, 110, 113, 117, 126, 134, 163
Canada Company, 145
Canada, early political conditions in, 17-40; difficulties connected with responsible government in, 26; the principles of responsible government, 228; a comparison of her political system with that of the United States, 241 f.
Canning, Earl, 217
Caron, Hon. R. E, 43, 53, 109, 113, 126, 187
Cartier, Georges Etienne, 135, 136, 226
Cathcart, Lord, succeeds Lord Metcalfe as governor-general, 38
Cauchon, 126, 164
Cayley, Hon. W., 140, 163
Chabot, Hon. J., 126, 141, 164, 186
Chaderton, 48
Chauveau, P. J. O., 45, 50, 109, 113, 126, 141, 164
Christie, David, 110
Church of England, its claims under the Constitutional Act., 145, 150 f.
Church, Presbyterian, its successful contention, 153

Clergy Reserves, 101, 102, 103, 119, 127; secularization of, 142; the history of, 143, f.; report of select committee on, 147; imperial act passed, 158, 159; its repeal urged, 161; value of the reserves, 161-162; full powers granted the provincial legislature to vary or repeal the act of 1840, 167; important bill introduced by Sir John A. Macdonald, 168
Colborne, Sir John, his action on the land question, 154; the Colborne patents attacked and upheld, 155, 156
Company of the West Indies, 175
Craig, Sir James, 1, 19

D

Daly, Dominick, 35
Day, Judge, 187
Delagrave, C., 187
Denslow, Prof., 254
Derby, Lord, his views of colonial development, 121
Dessaules, 108
Dorchester, Lord, 1
Dorion, A. A., 108, 134
Dorion, J. B. E., 108
Doutre, R., 108
Draper, Hon. Mr., forms a ministry, 35; retires from the ministry, 43
Draper-Viger ministry, its weakness 44; some important measures, 45; commission appointed by, 64
Drummond, L. P., 109, 113, 126, 141; his action on the question of seigniorial tenure, 186
Dumas, N., 186
Durham, Lord, 2, 14; his report, 15, 23, 25; compared with Elgin, 15; his views on the land question, 144, 145, 148, 154, 155; his views on Canada after the rebellion, 191; his suggestions of remedy, 192, 193
Duval, Judge, 187

E

Educational Reform, 87-89.
Elgin, Lord, his qualities, 3-4; conditions in Canada on his arrival, on his departure, birth and family descent, 5; his parentage, 6; his contemporaries at Eton and Oxford, estimate of by Gladstone, 7; by his brother, 7-8; enters parliament, his political views, 8; appointed governor of Jamaica, death of his wife, 9; mediates between the colonial office and the Jamaica legislature, 12; resigns governorship of Jamaica, returns to England, 13; accepts governor-generalship of Canada, marriage with Lady Mary Louisa Lambton, 14; compared with Lord Durham, 15; creates a favourable impression, recognizes the principle of responsible government, 41; appeals for reimbursement of plague expenses, 48; visits Upper Canada, 49; comments on LaFontaine-Baldwin ministry, 52-53; correspondence with Lord Grey, 55; hostility to Papineau, 56; on the rights of French Canadians, 55-56; his commercial views, 57-60; his course on Rebellion Losses bill, 71-78; attacked by mob, 74; his course sustained by the imperial

Elgin, Lord.—*Continued*
parliament, 78; visits Upper Canada, 79; raised to the British peerage, 80; his condemnation of annexation manifesto, 81; refers to causes of depressions and irritations, 82; urges reciprocity with United States, urges repeal of navigation laws, 82; his views on education, 88-89; his views on increased representation, 118-119; his views on the Upper House, 120; visits England, 123; tribute from United States minister, 123-124; visits Washington and negotiates reciprocity treaty, 124; advises repeal of the imperial act of 1840, 164, 165; his efforts against annexation, 189-190, 194, 195; his labours for reciprocity, 196; visits the United States, 197; receives an address on the eve of his departure, 203; his reply, 204-205; his last speech in Quebec, 205-208; returns to England, 209; his views on self-defence, 209-212; accepts a mission to China, 212; his action during the Indian mutiny, 213; negotiates the treaty of Tientsin, 214; visits Japan officially, 214; negotiates the treaty of Yeddo, 214; returns to England, 215; becomes postmaster-general under Palmerston, 215; becomes Lord Rector of Glasgow University, 215; returns to China as Ambassador Extraordinary, 215; becomes governor-general of India, 216; tour in northern India, 218; holds Durbar at Agra, 218; Nahabee outbreak, 218; illness and death, 219; views on imperial honours, 222; on British connection, 229, 231; views on the power of his office, 231-232; beneficial results of his policy, 233, 235; on the disadvantages of the United States political system, 257, 258

F

Feudal System, the, in Canada, 172, f.
Free Trade, protest against, from Canada, 39, 45; effects of, on Canada, 57-58
French Canadians, resent the Union Act, 23, 24; resent portions of Lord Durham's report, 23; increase of their influence, 31

G

Garneau, 123
Gavazzi Riots, the, 125
Gladstone, Rt. Hon. W. E., his opinion of Lord Elgin, 7; 78
Gore, Lieut.-Governor, 146
Gourlay, Robert, 147
Grey, Lord, colonial secretary, 13; 36,77; views on clergy reserves, 165

H

Haldimand, Governor, 97
Head, Sir Francis Bond, 1, 22
Hincks, Sir Francis, appointed inspector-general, 31; 38, 50, 53, 100, 101; views and qualities of 107; forms a ministry, 107; 112, 113, 126, 127, 128, 133, 134, 135, 136; becomes a member of the Liberal-Conservative ministry,

Hincks, Sir Francis.—*Continued.*
140, 141, views on the clergy reserves, 163, 165, 166, 196; appointed governor of Barbadoes and Windward Isles, appointed governor of British Guiana, 220, 222; receives Commandership of the Bath, 222; retirement, 222; receives knighthood 222; becomes finance minister, 223; final retirement, 223; his character and closing years, 223-224
Hincks-Morin, ministry formed, 108; its members, 113; its chief measures, 114-120; reconstructed, 125-126; dissolves, 131; resigns, 136
Holmes, 50
Holton, L. H., 108, 134
Hopkins, Caleb, 110
Howe, Joseph, his assertion of loyalty, 22; 51, 92, 101; on imperial honours and offices, 221; appointed lieutenant-governor of Nova Scotia, 221
Hudon, Vicar-General, 48
Hundred Associates, 175

I

Immigrants, Irish, measures to relieve, 46-47; bring plague to Canada, 47-48
Imperial Act, authorizes increased representation, 122

J

Jamaica, Lord Elgin, governor of, 9-13
Jameson, Mrs., her comparison of Canada and the United States, 191-192
Judah, H., 186

L

Labrèche, 108
LaTerrière, 164
Laflamme, 108
LaFontaine-Baldwin cabinet, 1842, 31; resignation of, 35; the second government, its members, 53; its importance, 54; dissolved, 85; some of its important measures, 85-103
LaFontaine, Hon. Hippolyte, and the Union Act, 24; aims of, 32; 44, 45, 50; forms a government with Baldwin, 52; his resolutions, 67-68; attack upon his house, 76; resigns office, 104; becomes chief justice, receives baronetcy, his qualities, 105; views on the clergy reserves, 162, 164; conservative views on seigniorial tenure, 185; 187
Lebel, J. G., 187
Lelièvre, S., 186
Leslie, Hon. James, 53
Leslie, John, 110
Liberal-Conservative Party, the, formed, 137
Lytton, Lord, his ideal of a governor, 4

M

Macdonald, Rt. Hon. Sir John Alexander, reveals his great political qualities, 43, 44, 50, 110, 114, 118, 127; his argument on the Representation Bill, 132; 137, 139, 140, 163; views on the clergy reserves, 163; takes charge of the bill for secularization of the reserves, 168; monuments to his memory, 225-226

Macdonald, John Sandfield, 50; his rebuff to Lord Elgin, 127-129, 135
Mackenzie, William Lyon, 17; leader of the radicals, 21; 22, 51; returns to Canada, 91; his qualities, 91-92; 103, 112, 127
MacNab, Sir Allan, 31, 50, 51, 68; attitude on Rebellion Losses Bill, 75; 110, 137, 139; becomes a member of the Liberal-Conservative ministry, 140; his coalition ministry, 140; 141, 224
McDougall, Hon. William, 110
McGill, 45
Meredith, Judge, 187
Merritt, William Hamilton, 50, 97
Metcalfe, Sir Charles, succeeds Bagot as gov.-gen., 32; his defects, 32, 33, 37; breach with La-Fontaine-Baldwin ministry, 34, 35; created baron, death of, 37
Mills, Mayor, dies of plague, 48
Mondelet, Judge, 187
Montreal, ceases to be the seat of government, 78
Morin, A. N., 32, 43, 50, 51, 109, 113, 126, 127, 133, 140, 141; favours secularization of the clergy reserves, 166; 187
Morris, Hon. James, 113, 126
Morrison, Joseph C., 126

N

Navigation laws, 38, 45; repealed, 83
Nelson, Wolfred, 22, 50, 91
Newcastle, Duke of, secretary of state for the colonies, 167

O

Ottawa, selected as the seat of government, later as the capital of the Dominion, 79

P

Pakington, Sir John, adverse to the colonial contention on the clergy reserve question, 165, 167
Palmerston, Lord, 212, 213
Papineau, Denis B., 35, 44, 66
Papineau, Louis-Joseph, 17; aims of, 20, 21; 22; influence of, 50, 51; 56, 66, 90, 91, 117; his final defeat, 134
Peel, Sir Robert, 78
Price, Hon. J. H., 50, 53, 160, 161
Postal Reform, 85, 86
Power, Dr., 48

R

Railway development, under Baldwin and LaFontaine, 99-101; under Hincks and Morin, 114-117
Rebellion Losses Bill, history of, 63-78; commission appointed by Draper-Viger ministry, 64; report of commissioners, 65; La-Fontaine's resolutions, 67, 68; new commission appointed, attacks on the measure, 68; passage of measure, 70; Lord Elgin's course, 71 f.; serious results of, 73, 74; 203
Reciprocity treaty with United States urged by Lord Elgin, 82; treaty ratified, 142; signed, 198; its provisions, 198-200; beneficial results, 201; repealed by the United States, 201; results of the repeal, 202

Richards, Hon. W. B., 50, 113, 128
Richelieu, introduces feudal system into Canada, 175
Richmond, Duke of, 2
Robinson, Sir John Beverley, 105
Rolph, Dr. John, 110, 112, 113, 126, 136
Ross, Mr. Dunbar, 126, 141
Ross, Hon. John, 113, 126, 141
Roy, Mr. 48
Russell, Lord John, 26; supports Metcalfe, 37; 78
Ryerson, Rev. Egerton, defends Sir Charles Metcalfe, 36; his educational services, 89, 90; opposes Sydenham's measure, 157

S

Saint Réal M. Vallières de, 31
Seigniorial Tenure, 101, 102, 119, 126, 142; history of, 171 f.; originates in the old feudal system, 171-174; introduced by Richelieu into Canada, 175; description of the system of tenure, 175 f; judicial investigation by commission, 186, 187
Sherwood, Henry, becomes head of ministry, 43; defeat of Sherwood cabinet, 50; 68, 159
Short, Judge, 187
Sicotte, 126; elected speaker, 135, 136
Simcoe, Lieutenant-Governor, 18
Smith, Henry, 141, 187
Spence, Hon. R., 140
Stanley, Lord, 9; supports Metcalfe, 37
Strachan, Bishop, established Trinity college, 95; refuses compromise on land question, 150; 154, 159; meets with defeat, 169
Sullivan, Hon. R. B., 53
Sydenham, Lord, appointed governor-general to complete the union and establish responsible government, 26-29; qualities of, 29; death of, 30; his canal policy, 96-99; his action on the land question, 156, 157

T

Taché, Hon. E. P., 53, 109, 113, 126
Trinity College, established, 95
Turcotte, J. G., 186

U

Union Act of 1840, its provisions, 22, 23; restrictions concerning use of French language removed, 61; 117; clauses respecting the Upper House repealed, 120
United States, comparison of their political system with that of Canada, 241, ff
University of Toronto, created from King's College, 94

V

Vanfelson, Judge, 187
Varin, J. B., 187
Viger, Hon. L. M., forms a ministry, 35, 53, 66, 108

W

Walrond, Mr., 215
White, Thos., 139
Wilson, Woodrow, on the United States system, 252; on political irresponsibility, 254, 255
Winter, P., 187

Y

Young, Hon. John, 113, 126